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ZONING REGULATIONS - THE TOWN OF EAST HAVEN

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ZONING REGULATIONS OF THE TOWN OF EAST HAVEN

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ZONING REGULATIONS OF THE TOWN OF EAST HAVEN

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January 3, 2001	(Comprehensive Revision)
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2001	(Sect. 49.2.6 – Digital Radio Repeater System, Definition) September
24, 2001	(Sect. 27 – Planned Elderly Facilities Districts)
December 14, 2001	(Sect. 34.7 – Elderly Dwelling Units in CA-1 and CD Districts)
June 5, 2002	(Sect. 21 – Zoning Districts and Article II – District Requirements)
March 5, 2008	(Sect. 33.19 – Elderly Living, Non-Assisted Facilities) July 13,
2009	(Sect. 27 – Planned Elderly Facilities Districts) December 15,
2009	(Sect. 38 – Anti-Blight Initiative)
May 17, 2010	(Sect 57. – Application Fees)
August 2013	(Sect. 37 – Affordable Housing Standards and Regulations) November
5, 2014	(Sect 25.7A – Storage Containers and Sect. 42 – Off-Street Parking and Loading)
March, 17 2016	(Sect. 48 – Stormwater Management)
November 30, 2016	(Schedule A: Line #46 & Sect. 33.10 – Site Plans & Special Exceptions)
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ARTICLE I
GENERAL PROVISIONS

SECTION 1: APPLICABILITY and JURISDICTION

1.1 **AUTHORITY:** In accordance with the provisions of Chapter 124 of the Connecticut General Statutes, as amended, the Planning & Zoning Commission of the Town of East Haven hereby adopts and enacts these Regulations, including the accompanying map[s] referred to herein. These Regulations shall be known as The Zoning Regulations of the Town of East Haven.

1.2 **JURISDICTION:** With the territorial limits of the Town of East Haven Connecticut, land, buildings and other structures may be used and buildings and other structures may be constructed, reconstructed, enlarged, extended, moved or structurally altered only in accordance with these Regulations. Any lot or land may be divided, sold, encumbered or conveyed only in accordance with these Regulations and shall not be so divided, sold, encumbered or conveyed in any manner as to:

1.2.1 Make said lot or land nonconforming or more nonconforming to the Regulations;

1.2.2 Make any use, building or other structure nonconforming;

1.2.3 Reduce any setback, yard, open space or off-street parking and loading spaces to less than is required by these Regulations; or

1.2.4 Make any non-conforming setback, yard, open space or of street parking or loading spaces more nonconforming.

1.3 **PURPOSE:** In accordance with the provisions of Chapter 124 of the Connecticut General Statutes, the Zoning Regulations of the Town of East Haven are made in accordance with a comprehensive plan of zoning, encompassing the entire Town; giving due consideration to the adopted Plan of Development and are designed for the following purposes:

1.3.1 to promote the health, safety and general welfare;

1.3.2 to lessen congestion in the streets;

1.3.3 to secure safety from fire, panic, flood and other dangers

1.3.4 to provide adequate air and light;

1.3.5 to prevent overcrowding of land;

1.3.6 to avoid the undue concentration of population, and:

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1.3.7 To conserve the value of buildings and encourage the most appropriate use of land throughout the Town of East Haven, Connecticut.

1.4 **INTENT:** It is the stated intent of these Regulations to facilitate the following objectives in the Town of East Haven:

1.4.1 To guide the future development of the Town in accordance with a comprehensive plan, so that the Town may realize it potentialities as a desirable place in which to live, and work with the best possible relationships among residential, commercial and industrial areas within the Town and with due consideration to: {a} the particular stability of each of these areas for various uses…and… {b} existing conditions and trends in population, economic activity, land use and building development.

1.4.2 To encourage an orderly pattern of residential development in the Town in order to facilitate the adequate provision of schools and other public services on an economical basis; to provide suitable areas for desirable commercial and industrial development within the Town and to reserve the best industrial land for industrial use, in order to promote the growth of employment; to facilitate the adequate provision of public services on an economical basis; and to avoid the disorderly and blighting pattern of unguided development.

1.4.3 To help bring about the most beneficial relationship between the uses of buildings and land and the circulation of traffic through and within the Town, with particular emphasis on providing adequate, safe and convenient access for traffic to the various uses of buildings and land throughout the Town, and on avoiding congestion in the streets and highways in the Town.

1.4.4 To protect the value of land and the value of buildings appropriate to the various districts established by these Regulations; and to protect and improve the visual appearance of the Town.

1.4.5 To encourage energy efficient patterns of development and land use, the use of solar and other renewable energy sources and energy conservation in order to minimize dependence upon non-renewable, imported fossil-based fuels.

1.5 **OTHER LAWS:** The provisions of these Regulations are the minimum requirements necessary for the purpose set forth in paragraph 1.3 [above] and shall not be deemed to repeal, abrogate or lessen the effect of any other laws, ordinances, regulations or any covenants or agreements between parties, provided however, that where these Regulations impose a greater restriction, the provisions of these Regulations shall prevail.

1.6 **NONCONFORMITY:** Any use, building or other structure, or any lot which existed

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lawfully, by variance or otherwise on the date these Regulations or any amendment hereto became effective, and which fails to conform to one or more of the provisions of these Regulations or such amendment hereto, may be continued subject to the provisions and limitations of Section 44.

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SECTION 2: ZONING PERMITS and ZONING COMPLIANCE

2.1 ZONING PERMIT: A Zoning Permit is the document authorizing commencement of building construction and site development under these Regulations. No building or other structure and no off-street parking and loading areas, outside storage areas and other site improvements shall be constructed, reconstructed, enlarged, extended, moved or structurally altered until a Zoning Permit has been issued by the Zoning Administrator or his/her designated Deputy. No Zoning Permit shall be issued for any building, structure or use that requires a Special Exception or a Site Plan Approval without the prior approval of such action by the Planning and Zoning Commission.

A Zoning Permit shall automatically be rendered null and void if there are any substantial changes or alterations to the plot plan, building plan and/or other supporting application documents or in the event of any erroneous or false information uncovered on the Zoning Procedural Application after said Zoning Permit has been issued.

2.2 CERTIFICATE OF ZONING COMPLIANCE: A Certificate of Zoning Compliance is a document or a portion of a document authorizing use or occupancy of a premises after completion of building and site development under these Regulations. No building or other structure and no off-street parking and loading areas, outside storage areas and other site improvements that are subject to these Regulations shall be occupied or used, in whole or in part, for any purpose until said Certificate of Zoning Compliance has been issued by the Zoning Department certifying conformity with all the provisions of these Regulations.

Such a certificate may also be required for any change, extension or alteration of a use, and an Applicant, Owner and/or his/her/their agent may be required to produce a Certified "As Built" to the Zoning Department, indicating that all dimensions, buildings and other structures and uses on any site map, plot plan or accompanying written documentation are correct prior to the issuance of the aforesaid Certificate of Zoning Compliance.

2.3 FARMS AND FORESTRY: No Zoning Permit and/or Certificate of Zoning Compliance is required for a farm, forestry, nursery or truck garden use, other than for the buildings and/or other structures that may be established in connection therewith.

2.4 CERTAIN FENCES: No Zoning Permit and/or Certificate of Zoning Compliance is required for any fence whose height is six feet or less.

2.5 CONFLICT WITH AMENDMENTS: No application for a Zoning Permit shall be approved by the Zoning Department authorizing plans, construction or uses which do not conform to any proposed amendment of these Regulations if the first notice of a hearing has already been published in a newspaper, as required by the General Statutes of the State of Connecticut.

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SECTION 3: DISTRICT and TOWNWIDE PROVISIONS

3.1 DISTRICTS: As provided in Section 21 of these Regulations, the Town of East Haven is divided into classes of Districts. Such Districts are established on the Zoning Map specified in Section 22 for the purposes specified in Section 23 of these Regulations.
The particular uses permitted and/or prohibited in each District are specified in Section 24 of these Regulations; and the standards peculiar to each District are specified in Section 23 of these Regulations, or by means of a variance duly obtained from the Zoning Board of Appeals.

3.2 PERFORMANCE STANDARDS: The use of land, buildings and other structures wherever located, shall be established and conducted so as to conform to the performance standards specified in section 25 of these Regulations or by means of a variance duly obtained from the Zoning Board of Appeals

3.3 OFF-STREET PARKING and LOADING: Parking and loading spaces shall be provided off of the street for any use of land, buildings and other structures as specified in section 42 or by means of a variance duly obtained from the Zoning Board of Appeals.

3.4 SIGNS: All permitted signs shall be established by permit and in accordance with the requirements of Section 43 of these Regulations; or by means of a variance duly obtained from the Zoning Board of Appeals.

3.5 NONCONFORMITY: Any use, building or other structure or any lot which existed lawfully, or by variance or otherwise, on the date these regulations or any amendment hereto became effective; and fails to conform to one or more of the provisions of these regulations or such amendment hereto, may be continued subject to the provisions and limitations of section 44 of these regulations.

3.6 RETAIL SELLING of ALCOHOLIC BEVERAGES: No land, building or other structure shall be used for the retail selling of alcoholic beverages for off the premises consumption except in accordance with the requirements of section 45 of these regulations; and unless such retail selling is a permitted use in the district in which the land, building or structure/premises is located.

3.7 FLOOD PLAIN DEVELOPMENT: In any area of special flood hazard within the Town of East Haven, no land, building or other structure shall hereafter be constructed, located, extended, converted or altered without full compliance with all the provisions of the "Flood Plain Management Ordinance" of the Town of East Haven and all requirements and provisions of these regulations.

3.7.1 Minimum Floor Elevation: No building shall be erected herein after unless the minimum elevation of the lowest floor, including basement, shall be at or above 12.0

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feet based on mean sea level. The land area adjacent to, and within 10 feet of any building, together with the streets and driveways giving access to the building shall be graded to an elevation of 11.0 feet based on a mean sea level. The provisions of this paragraph shall not apply to detached garages, boat houses and other accessory buildings or portions thereof not used for human occupancy or to buildings for which a legal variance, permitting a lower elevation has been approved under the provisions of the "Flood Plain Management Ordinance".

3.7.2 **Farm River Flood Plain Overlay District:** In the delineated Farm River Flood Plain Overlay District there shall be no construction, reconstruction, relocation, or alteration of any building or structure or the use of any land or any change of use of land, except in conformance with the terms, provisions and standards of Section 29 of these Regulations, and in compliance with the provisions of the Flood Damage Prevention and Control Ordinance of the Town of East Haven.

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SECTION 4: DEFINITIONS

4.1 **GENERAL:** The paragraphs which follow define and explain certain words and phrases used in these Regulations. Other words used in these Regulations shall have the meanings commonly attributed to them. Doubts as to the precise meaning of words in these Regulations shall be determined by the Commission by resolution, giving due consideration to the expressed purpose and intent of these Regulations. Words in the present tense or in a particular gender are meant to include the future; a singular number includes the plural and a gender includes the other gender and, in all instances, vise-versa.

~~4.1~~4.2 **ASSEMBLY HALLS:** A building or outdoor area designed and used for gatherings (50) or more people on a regular periodic basis for the purpose of entertainment, celebration, speaking engagements, business meetings, conferences and other similar uses not including places of worship, governmental facilities, and other uses otherwise regulated by the zoning regulations.

~~4.2~~ **APARTMENT, ACCESSORY:** A portion of a dwelling and considered to be a separate dwelling unit and subject to the requirements of "Schedule B", Standards of these regulations.

4.3 **BOARDING AND ROOMING HOUSE:** A residential building used for the letting of roomers, boarders, or tenants for compensation with the sharing of certain facilities such as kitchen, storage areas, living rooms, and/or bathrooms.

~~4.3~~4.4 **BUILDING:** A structure having a roof, supported by columns or walls which are affixed to a lot or lots for the housing, or enclosure of persons, animals or chattels

~~4.4~~4.5 **BUILDING, ACCESSORY:** A building or structure located on the same lot as a principal building and devoted or intended to be devoted to an accessory use. Any portion of a principal building devoted to, or intended to be devoted to an accessory use is not an accessory building.

~~4.5~~4.6 **BUILDING LOT COVERAGE:** The portion of the lot area, expressed as a percentage, that is covered by the maximum cross-sectional area enclosed by and including the outside walls of a building or buildings or other structures on a lot, together with the area of all porches, handicapped ramps, decks, balconies and similar structural projections.

~~4.6~~4.7 **BUILDING HEIGHT:** is measured from average existing ground level within 10 feet of the structure to the highest point of the structure; including the top of any parapet, wall and/or ridge top and/or cupola or ornamental feature and/or mechanical device. Where a precipitous drop of 10 feet or more in the ground level occurs within 10 feet of the building or structure, the average ground level at that location shall be measured at the lowest point of visible foundation or slab.

4.8 **CHILD CARE (CENTER/NURSERY SCHOOL):** ~~A residential dwelling or a portion~~

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~~thereof,~~ Licensed by the State Department of Health under section 19a-77(a)(1) of the Connecticut General Statutes which offers or provides a program of supplementary care to more than twelve unrelated children outside their own homes on a regular basis for a part of the twenty four hours in one or more days of the week. Such a center does not encompass those services which are administered by a public or private school, recreation services of a church related activity; or a community or municipal program or informal arrangement among neighbors, friends and/or relatives in their own homes.

4.8.1 CHILD CARE (FAMILY): As defined by Section 19a-77(a)(3) of the CGS, A private family home caring for not more than six children, including the provider's own children not in school full time, where the children are cared for not less than three or more than twelve hours during aa twenty-four-hour period and where care is given on a regularly recurring basis except that care may be provided in excess of twelve hours but not more than seventy-two consecutive hours to accommodate a need for extended care or intermittent short0 term overnight care. During the regular school year, a maximum of three additional children who are in school full time, including the provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all the provider's children shall be permitted.

~~4.7~~4.8.2 CHILD CARE (GROUP): As defined by Section 19a-17(a)(2) of the CGS, a facility which offers or provided a program of supplementary care (A) to not less than seven or more than twelve related or unrelated children on a regular basis, or (B) that meets the definition of a family child care home except that it operates in a facility other than a private home.

~~4.7.1~~COMMERCIAL RECREATIONAL FACILITIES: Any establishment which provides any form of commercial recreational activities for a price or fee, including indoor games, arcades, sports or any other leisure activities.

~~4.7.2~~4.8.3 CONVENIENCE RETAIL GASOLINE STATION: A facility which includes gasoline pumps for the retail sale of gasoline and a retail building for the sale of convenience retail items such as food, beverages and other items.

4.9 COMMERCIAL RECREATIONAL FACILITIES: Any establishment which provides any form of commercial recreational activities for a price or fee, including indoor games, arcades, sports or any other leisure activities.

4.10 CONVENIENCE RETAIL GASOLINE STATION: A facility which includes gasoline pumps for the retail sale of gasoline and a retail building for the sale of convenience retail items such as food, beverages and other items.

~~4.8~~4.11COMMISSION: The term "Commission" shall mean the Planning and Zoning Commission of the Town of East Haven.

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~~4.9~~4.12**COMMUNITY RESIDENCE:** A residential dwelling, or portion thereof that is operated by the State of Connecticut or it's agent, licensed under the provisions of C.G.S. section 19-574 and/or 17-145; occupied by individuals who have a mental, physical or emotional disability; created under the provisions of sections 8-3e and 8-3g of the Connecticut General Statutes.

~~4.10~~4.13 **DWELLING:** A building containing one, or more dwelling units; but not to include a motel, hotel, automotive court, camping trailer, recreational vehicle, travel trailer, mobile home or a tent.

~~4.11~~4.14 **DWELLING UNIT:** A room or group of rooms located within a dwelling and designed and occupied by one [1] family; with facilities which are used or intended to be used for living, sleeping, cooking and eating; but not to include accommodations occupied for transient lodging in a hotel or motel.

~~4.12~~4.15 **DWELLING UNIT, EFFICIENCY:** An "efficiency dwelling unit" is a dwelling unit in a dwelling, containing four [4] or more dwelling units; and having only one [1] room, exclusive of one [1] bedroom, exclusive of a bathroom, kitchen, laundry, pantry, foyer, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.

~~4.13~~4.16 **DWELLING, SINGLE FAMILY:** A detached dwelling containing only one dwelling unit, from ground to roof

~~4.14~~4.17 **DWELLING UNIT, TWO BEDROOM:** A two bedroom dwelling unit is a dwelling unit in a dwelling containing four [4] or more dwelling units and having only one [1] room exclusive of two [2] bedrooms, exclusive of bathroom, kitchen, laundry, pantry, foyer, communicating corridors or closets and exclusive of any dining alcove with less than 70 square feet of floor area.

~~4.15~~4.18 **ELDERLY ASSISTED and NON ASSISTED HOUSING:** is age restricted residential or communal housing accommodating one or two persons per unit, one of whom is a minimum of 55 years old or at a higher minimum age if so stipulated by the Commission.

Assisted Living Units are provided with certain supportive, ancillary care services as required by the State Health Department Regulations, including but not limited to communal dining, housekeeping, personal needs, recreational and social services and transportation service. Such elderly housing may occur alone as an independent, self-contained facility, assisted or non-assisted and/or a combination of both. It may also be accompanied by extended health care services provided in conjunction with an existing or proposed nursing home/convalescent hospital as defined and licensed by the State of Connecticut.

~~4.16~~4.19 **FAMILY:** A person living alone, or any of the following groups living together, with

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any domestic servants or gratuitous guests thereof, as a single non-profit housekeeping unit and sharing common, bathing, sleeping, cooking and eating facilities, sharing at least one common living room space:

(a) Any number of people related by blood, marriage, adoption or legally recognized foster relationship.

(b) A group of up to four (4) people who need not be so related with up to an additional four (4) people related to a person in the group by blood, marriage, adoption or legally recognized foster relationship.

~~4.17~~4.20 **FARM:** A tract of land, containing five [5] acres or more that is used wholly or in part for such agricultural purposes as animal husbandry and soil cultivation; including the growing of crops and harvesting the vegetative products of the land. A farm may include premises used for the keeping and feeding of poultry, livestock and other domestic animals when permitted by these regulations.

~~4.18~~4.21 **FLOOR AREA, DWELLING:** In determining compliance with minimum floor area requirements for "dwelling" and "dwelling units" and for compliance with maximum floor area requirements for an office in a "dwelling unit", only finished livable floor area having a ceiling height of 7 feet, two inches shall be counted.

The following areas shall not be included in the computation of finished livable floor area:

~~4.18.1~~4.21.1 Attached or detached garages or accessory structures

~~4.18.2~~4.21.2 Outside vestibules; bay windows

~~4.18.3~~4.21.3 Any basement rooms, the full walls of which are not above ground level.

~~4.18.4~~4.21.4 Utility rooms for heating apparatus

~~4.18.5~~4.21.5 Attics

~~4.18.6~~4.21.6 Terraces; open porches; enclosed porches not heated by a central heating system for the "dwelling"

~~4.18.7~~4.21.7 Hallways and other space designed for common use by two [2] or more dwelling units.

Measurements of floor area for any "dwelling" or "dwelling unit" shall be taken from the inside surfaces of exterior walls or partitions enclosing the floor area. Any floor area other than a ground floor must have access thereto by a permanent inside stairway to be included in computing floor area.

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~~4.19~~4.22 **FLOOR AREA, MAXIMUM:** In computing the total floor area of all buildings and other structures on any lot to determine compliance with maximum floor area provisions, measurements of floor area shall be taken to the outside surfaces of exterior walls enclosing the floor area; and shall also include all roofed-over floor areas [e.g. covered porches, car ports].

4.23 **FRONTAGE:** The distance measured along a continuous property line that is also a street line.

~~4.20~~ **GARAGE, PRIVATE:** An accessory building used only for the permitted storage of motor vehicles and/or as an accessory use for the occupant's private use. Detached garages shall not exceed fifteen [15] feet in height.

~~4.21~~4.24 **HOME OCCUPATION:** A business or occupation conducted within a residence by the occupant of the residence as an accessory use which can be conducted consistent with the use such as an office with limited on=premise visitors, business conducted primarily using the internet, and other similar visits conductive to a residential environment.

4.26 **JUNK YARD:** The term JUNK YARD shall be construed to include any junk yard, motor vehicle junk business and motor vehicle junk yard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for one or more used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage, or deposit of used parts of motor vehicles and/or other metals, iron, glass, paper, cordage and all other waste materials which, on any lot, have an aggregate bulk equal to one motor vehicle.

~~4.23~~4.27 **KENNEL:** The term kennel shall include the term "Commercial Kennel" as defined. As the boarding, breeding, sale and day care of small domestic companion pets, including dogs, cats, parrots, fish, and other species commonly kept as pets.

~~4.24~~4.28 **LOT:** A "lot" is defined as one of the following:

~~4.24.1~~4.28.1 A parcel of land which conforms to the area, shape and frontage requirements of these Regulations.

~~4.24.2~~4.28.2 A building lot shown on a subdivision map approved by the Commission and filed in the office of the Town Clerk for the Town of East Haven.

~~4.24.3~~4.28.3 A parcel of land which is owned separately from any adjoining parcel or parcels as evidenced by fee conveyance recorded in the land records of the Town of East Haven.

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4.29 **LOT, CORNER:** A corner lot is a lot connected by two intersecting streets, whether public or private and where the interior angle of said intersection is less than 135 degrees. A lot fronting on a curved street shall be considered a corner lot if the central angle of the curve is less than 135 degrees

.

~~4.25~~4.30 **MOTOR VEHICLE REPAIR FACILITIES:** A business or establishment which performs on-site automotive and small truck repair, including repairing, painting and upholstering, establishments for motor vehicle washing with no gasoline or fuel sales.

~~4.26~~4.31 **NONCONFORMITY**: See section 44 of these regulations.

~~4.26.1~~4.31.1 **: Non-Conforming Use, Building and/or Lot:** See Section 44.11 of these Regulations

~~4.27~~4.32 **SPECIAL TERMS:** The following sub-paragraphs define and explain "special terms" used in the *Flood Plain District* and the *Farm River Floodplain District* provisions of these Regulations

~~4.27.1~~4.32.1 **Addition to an Existing Building or Structure:** means any walled and/or roofed expansion to the perimeter of a building or structure at, or below, grade, to which the addition is connected.

~~4.27.2~~4.32.2 **Base Flood Elevation:** means the particular elevation of the Base Flood, as specified on the *Flood Insurance Rate Maps {F.I.R.M.}* for the Town of East Haven.

~~4.27.3~~4.32.3 **Basement:** means that portion of a building or structure having its floor below ground level {sub grade} on three or more sides.

~~4.27.4~~4.32.4 **Development:** means any man-made change to improved real estate; including, but not limited to: buildings or other structures, dredging, filling, grading, paving, excavating or drilling operations, or the permanent storage of goods and/or materials.

~~4.28~~4.33 **OFF STREET PARKING or LOADING SPACES:** See Section 42.2 of these Regulations.

~~4.29~~4.34 **OUTSIDE STORAGE:** See Section 25.7 of these Regulations.

~~4.30~~4.35 **PROPERTY LINE, REAR:** is any property line which is parallel to, or within forty-five
{45} degrees of being parallel to a street line, except for a lot line that is, itself a street line, and except that in the case of a corner lot, only one lot line shall be considered a rear property line.

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~~4.31~~4.36 **PROPERTY LINE, SIDE:** is any property line which is not a rear property line or a street line.

~~4.32~~4.37 **SIGN:** The term "sign" shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag, or other device; however made, that is displayed, painted, supported, attached and/or intended for use for the purpose of advertisement,
identification, direction, publicity or notice, when visible from any street or from any other lot on which the sign is located and either:

~~4.32.1~~4.37.1 Located out of doors…..and/or

~~4.32.2~~4.37.2 Located indoors and intended to be viewed from outside the building.

~~4.32.3~~4.37.3 The term sign does not include flags of the United States of America, the State of Connecticut or any other official governmental flag symbolizing a department or agency of the United States Government.

~~4.33~~4.38 **SIGN AREA:** Is the gross surface area, in square feet, contained within a single, continuous perimeter enclosing the extreme limits of the actual sign surface, including any trim, molding or framing. For computing the area of any wall sign which consists of letters mounted or painted on a wall; the area shall be deemed to be the area of the smallest geometric figure which can encompass all the letters and descriptive matter

~~4.34~~4.39 **SIGN, FREE STANDING:** A non-movable sign, erected or affixed to the ground; or supported by one or more uprights or braces that are in, or on the ground.

~~4.35~~4.40 **SIGN, OFF-PREMISES/COMMERCIAL (BILLBOARD):** A sign, other than a directional sign, advertising a commodity or activity that is not sold, produced or conducted on the premises; or any sign owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for compensation for the use of such sign.

~~4.36~~4.41 **SIGN, ON-PREMISES/IDENTIFICATION:** Any sign advertising a commodity sold or produced or manufactured on the premises or a business or activity conducted on the premises where the sign is located.

~~4.37~~4.42 **SIGN, WALL:** A sign which is affixed to the exterior walls of any building. Wall signs shall also include signs on awnings, and marquee signs that regularly change to announce events.

~~4.38~~4.43 **STORY:** Is that portion of a building between the surface of the floor, ceiling or roof next above. Attics not used for human occupancy shall not be considered a story. When a ceiling of a basement is five feet or more above the average ground level within ten feet of the building, the basement shall be considered a story.

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~~4.39~~4.44 **STREET:** shall mean any Town or State Highway, except a limited access highway, or any street shown on a subdivision map approved by the Commission and filed in the office of the East Haven Town Clerk.

***In determining compliance with the minimum frontage on a street for a lot located in Light Industrial Districts, a "street" shall also mean a private street, right-of-way or easement of vehicular access that is 50 feet or more in width, approved by the Commission and shown on a map filed in the office of the East Haven Town Clerk.*

~~4.40~~4.45 **SUBSTANTIAL IMPROVEMENT:** means any repair, reconstruction or improvement of a structure; the cost of which equals or exceeds 50 percent of the market value of the structure, either……

~~4.40.1~~4.45.1 Before the improvement or repair is started…or…

~~4.40.2~~4.45.2 If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

~~4.40.3~~4.45.3 Substantial improvement does not however include either:

~~4.40.3.1~~4.45.3.1 Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions…or…

~~4.40.3.2~~4.45.3.2 Any alteration of a structure listed on the National Register of Historic Places, or a State inventory of Historic Places.

~~4.41~~4.46 **STREET WIDTH:** means the width of a street between the parallel street lines.

~~4.42~~4.47 **STREET LINE:** means the right-of-way, easement or taking line of any street, or of any easement of vehicular access or private right-of-way that is 25 feet or more in width.

~~4.43~~4.48 **STRUCTURE:** means anything constructed or erected, the use of which requires location on the ground; and/or an attachment to, or placement on something having a location on the ground. Except where otherwise indicated, the term "structure", as used in these Regulations shall be deemed to include buildings, parapets, turrets, rooftop mechanical units, "portable" accessory buildings, swimming pools, tennis courts, towers, chimneys, balconies, stairways, fireplaces, open entries, porches, decks, signs, permanent awnings, ground mounted antennas, satellite dishes, antenna poles and ground mounted solar panels.

~~4.43.1~~4.48.1 Fences or walls in excess of six {6} feet in height shall be deemed to be

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structures.

~~4.43.2~~4.48.2 Patios, terraces and ground mounted mechanical units, such as air conditioning compressors, shall be deemed structures for the purpose of compliance with any required setbacks in a Residential District; and with any required buffer strip in any other District.

~~4.44~~4.49 **TRAILER:** the term "trailer" shall include; but is not limited to a mobile or motor home, camper, vehicle transporter or any vehicle, landscaping trailer, conveyance or enclosure which is used or designed or intended to be used as a construction office, or for human habitation as sleeping and/or living quarters and, which is or may be, or ever was built on a chassis and designed to be mounted on wheels or propelled either by its own power or by another power driven vehicle to which it may be attached, or by which it may be carried; and whether or not attached to a permanent foundation.

The aforesaid term "trailer" shall specifically exclude any such vehicle that is less than e i g h t {8} feet in length as well as conventional "travel vans" that have been made or internally modified for the comfort of its passengers. The "temporary use" or occupancy of said trailer is subject to the issuance of a "Temporary" Zoning Permit, under the terms and conditions set forth in Schedule "A"; but not to be used as a dwelling unit.

~~4.45~~4.50 **USE:** is the principal purpose of specific activity for which land, or a lot, a building or structure is arranged, designed, used or intended to be used; or for which land or a lot, building or structure is, or may be occupied. The term *"permitted use" or "special exception use"*, or its equivalent shall not be deemed to include any non-conforming use.

~~4.45.1~~4.50.1 **Use, Accessory:** is a use of land, buildings or structures which is incidental and subordinate to, and customarily used in conjunction with the principal building, structure or use.

~~4.45.2~~4.50.2 **Use, Principal:** is the main or primary use of a premises, building or structure.

~~4.46~~4.51 **WETLAND:** The term "wetland" shall have the same meaning as defined in the General Statutes of the State of Connecticut or any amendment thereto.

~~4.46.1~~4.51.1 Fences or walls in excess of six [6] feet in height shall be deemed to be structures.

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~~4.46.2~~4.51.2 Patios, terraces and ground mounted mechanical units, such as air-conditioning compressors, shall be deemed structures for the purpose of compliance with any required setbacks in a Residential District and with any required buffer strip in any other District.

~~4.47~~4.52 **TRAILER:** The term "trailer" shall include mobile home, motor home or camper or any vehicle, conveyance or enclosure which is used or is designed or intended to be used as a construction office or for human habitation as sleeping or living quarter and, which is, may be, or ever was built on a chassis and designed to be mounted on wheels or propelled either by its own power or by another power driven vehicle to which it may be attached or by which it may be carried; and whether or not attached to a permanent foundation. The aforesaid term "trailer" shall specifically exclude any such vehicle under eight [8] feet in length as well as conventional travel vans that may have been internally modified for the comfort of its passengers. The temporary use or occupancy of said trailer is subject to the issuance of a Zoning permit, under the terms and conditions set forth in Schedule A; but not to be used as a dwelling unit.

~~4.48~~4.53 **USE:** The principal purpose of specific activity for which land, or a lot, a building or structure is arranged, designed used or intended to be used or for which land or a lot, a building or structure is, or may be occupied. The term "permitted use" or "special exception use" or its equivalent shall not be deemed to include any non-conforming use.

~~4.48.1~~4.53.1 **Use, Accessory:** A use of land, buildings or structures which is incidental and subordinate to, and customarily used in connection with the principal building, structure or use.

~~4.48.2~~4.53.2 **Use, Principle:** The main or primary use of a premises, building structure.

~~4.49~~4.54 **WETLAND:** The term "wetland" shall have the same meaning as defined in General Statutes of the State of Connecticut or any amendment thereto.

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ARTICLE II
DISTRICT REQUIREMENTS

SECTION 21: DISTRICTS

21.1 DISTRICTS: For the purpose of these Regulations, the Town of East Haven is hereby divided into the following classes of Districts:

District	Map Code
Residence, R-1 District	R-1
Residence, R-2 District	R-2
Residence, R-3 District	R-3
Residence, R-4 District	R-4
Residence, R-5 District	R-5
Commercial, CA-1 District	CA-1
Commercial, CA-2 District	CA-2
Commercial, CB-1 District	CB-1
Commercial, CB-2 District	CB-2
Commercial, CC District	CC
Commercial, CD District	CD
Light Industrial District 1	LI-1
Light Industrial District 2	LI-2
Light Industrial District 3	LI-3
Planned Elderly Facilities District	PEFD
Elderly Assisted Living Facility	EALF
Shoreline Development District #1	S-1
Shoreline Development Area	SDA
Planned Development District	PD #
Design Resident District	DRA-1
Tech Park/Economic Development District	TP/ED

21.2 SHORELINE DEVELOPMENT AREA: The Shoreline Development Area is a class of district in addition to, and overlapping one or more of the other districts.

21.3 PLANNED DEVELOPMENT DISTRICT: is a class of district in accordance with section 26, and located within a shoreline district

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21.4 ELDERLY ASSISTED LIVING FACILITIES DISTRICT: is a class of district in accordance with section 28 of these Regulations.

21.5 FLOOD PLAIN DISTRICT: is a class of district that is, in addition to, and overlapping one or more of the other districts and includes all areas of special flood hazard, as delineated on the Flood Insurance Rate Map [FIRM] and flood boundary and floodway map for the Town of East Haven. In any Flood Plain District, no land shall be filled or excavated and no building or structure shall be constructed, reconstructed, altered, enlarged or extended or moved until a site plan has been approved by the Commission, in accordance with Section 31 [site plans]; or for those Special Exception uses designated in Schedule "A" until a special exception therefore has been approved by the Commission in accordance with Section 32 [special exception] of these Regulations.

21.6 LOOD PLAIN OVERLAY DISTRICT: is a class of district in addition to, and overlapping, one or more of the other districts and includes all of the area along both sides of the Farm River; extending from the East Haven/North Branford town line on the north to the centerline of the Interstate 95 Expressway on the south; encompassing all areas of Special Flood Hazard, up to and including the farthest most point of impact in each direction for a 100 year storm, as delineated on the Official Flood Insurance Rate Map {FIRM} and the Flood Boundary and Floodway Map for the Town of East Haven

21.7 VILLAGE DISTRICT OVERLAY: The purpose of the Village District is to preserve the character of downtown and surrounding area, and to guide improvements in keeping with this character. The Village District is an overlay district, in which the uses of the underlying district are permitted, with a design review process to advise the Commission on aesthetic concerns. Guiding principles of this review.

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SECTION 22: ZONING MAP

22.1 MAP: The boundaries of the Districts specified in Section 21 are hereby established as shown on a map entitled *"Zoning Map of the Town of East Haven Connecticut"* dated November 15, 1998; including any special maps and boundary descriptions supplementary thereto and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as a "Zoning Map".

22.2 INTERPRETATION of MAP: Where a question arises as to the exact boundaries of a District shown on the Zoning Map, the boundary shall be determined in accordance with the following:

22.2.1 Boundaries indicated as following streets, highways, alleys or vehicular rights-of-way shall be construed as being coincident with the centerline of such streets, highways, alleys or vehicular rights-of-way.

22.2.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines as shown on the Assessor's maps of the Town of East Haven.

22.2.3 Boundaries indicated as following shore lines of the coast or internal bodies of water shall be construed to follow such lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the centerline of streams, rivers or other bodies of water shall be construed to follow such centerlines.

22.2.4 Boundaries indicated as extensions of, or parallel to; and at specified distances from property lines or features indicate above, or connecting two [2] specific points shall also be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of said map.

All other determinations shall be made by the Planning and Zoning Commission; upon due notice and public hearing as required for the adoption of these Regulations.

22.3 EXTENSION of USE: Where the boundary of a District divides a lot, the existence of which lot is evidenced by deed or deeds recorded in the land records of the Town of East Haven on the effective date of these Regulations or on the effective date of any amendment to these Regulations establishing such boundary; the Commission may grant a special exception to authorize a use of land, buildings and other structures permitted in one District to be extended into the other District for a distance of not more than thirty [30] feet in accordance with the provisions of Section 32 [special exception] of these Regulations.

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SECTION 23: PURPOSE OF DISTRICTS

23.1 GENERAL: The Town of East Haven is divided into classes of districts of such number, shape, area and location as are best suited to carry out a comprehensive plan of zoning. The provisions applicable in one District vary from those in another, and each District, as hereinafter described, has a general purpose in providing for the orderly growth, development and improvement of the Town of East Haven.

23.2 RESIDENCE, R-1 DISTRICT: These districts are primarily residential in nature and consist of areas built up in years past with single family, two family and multi-family structures. Their principal location is in the vicinity of the East Haven center, where they constitute part of the urban concentration around the center. An important purpose of the standards applicable in these Districts is to recognize the relatively high concentration of dwellings and population already present, while preserving existing development from overcrowding and permitting conversion to, and construction of dwellings containing two or more families only at standards consistent with preservation of the character of the District. Institutions and similar uses will be necessary and appropriate in these Districts; but only as special exceptions and upon a finding that said development will be compatible with the character of the District.

23.3 RESIDENCE, R-2 DISTRICT: These Districts consist of residential areas that have been developing over a period of years, primarily with single family houses on relatively small lots that must be served with sewers and a public water supply. The applicable standards are designed to continue and protect the current pattern of development. Two family houses on large lots will be consistent with other uses in the District. Institutions and similar uses will be necessary and appropriate in these Districts, but only as special exceptions and upon a finding that the development will be compatible with the character of the District.

23.4 RESIDENCE, R-3 DISTRICT: These Districts are designed to consist of single family houses on lots of sufficient size to support private sewage disposal systems pending the extension of a sewer system. They are also designed to encourage a somewhat higher quality of suburban development with ample lots. Institutions and similar uses will be necessary and appropriate in these districts; but only as special exceptions and upon a finding that the development will be compatible with the character of the District.

23.5 RESIDENCE, R-4 DISTRICT: These Districts are located in the Foxon area and are designed to encourage and protect single family, residential building of a high quality suburban nature. Applicable lot standards are also designed to support private sewage disposal systems pending eventual extension of the sewer system. Institutions and similar uses will be necessary and appropriate in this District, but only as special exceptions and upon a finding that development will be compatible with the character of the District.

23.6 RESIDENCE, R-5 DISTRICT: These districts cover a desirable rural section of the Town and are designed to accommodate single family residential construction, of a high quality, and on spacious lots. Applicable standards are designed to recognize the absence of sewers

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and a public water supply. Institutions and similar uses will be appropriate in these districts but only as special exceptions and upon a finding that development will be compatible with the character of the District.

23.7 RESIDENCE, RA-1 DISTRICT: These districts consist of limited areas intended to be used primarily for two-story, multi-family dwellings on sites near the East Haven center or as part of an overall plan for development of the shore area. Review of site plans will be essential to assure adequate parking and traffic facilities, agreeable relationship to adjacent land uses and coordination with the comprehensive plan of zoning.

23.8 RESIDENCE, RA-2 DISTRICT: These districts consist of limited areas intended to be used primarily for multi-story, high density apartments on sites near the East Haven center or as part of an overall plan for development of the shore area. Review of site plans for each development will be essential to assure adequate parking and traffic facilities, agreeable relationship to adjacent land uses and coordination with the comprehensive plan of zoning.

23.9 DESIGN RESIDENCE, DRA-1 DISTRICT: These districts are designed to accommodate single, two and three story, multi-family dwellings at moderate densities on limited sites at locations *other than* in the East Haven center. Such districts may be situated on main highways and thoroughfares or in, or adjacent to, predominantly single family, residential neighborhoods. Multi-family uses will be treated as special exception uses; subject to special standards to provide limitations on density and assure a character of development that is consistent with the intensity and development of adjacent areas.

23.10 COMMERCIAL, CA-1 DISTRICT: These districts are designed to encourage a concentration of retail services and office facilities of a "downtown" character, primarily in the East Haven center. Automotive sales and services are excluded as incompatible with the purpose of the district; residences are also excluded, except as apartments on upper floors as not to interfere with the primary retail and office function of the district. Applicable standards allow multi-story buildings, a high percentage of ground coverage and a high ration of floor area to land area, with parking provided in centralized, group facilities.

23.11 COMMERCIAL, CA-2 DISTRICT: These districts consist of areas that have been growing, many over a long period of time, as retail and office sites providing a variety of Commercial services, including "adult uses" permitted under a Special Exception, within the Community. Applicable standards are designed to recognize, preserve and improve the character of existing development as well as to be consistent with the intensity of use in adjacent residential areas and to account for parking needs for each building to be satisfied on its own lot. New residential construction and further general automotive sales and service uses would be inconsistent with the purposes of the district.

23.12 COMMERCIAL, CB DISTRICT: These districts are designed to accommodate a variety of commercial functions necessary for service to the community; including general automotive sales and service areas. The districts are situated on main highways and thoroughfares, and applicable standards are designed to recognize, preserve and improve that

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character of existing development as well as to be consistent with the intensity of use in adjacent residential areas; parking needs for each building will be satisfied on its own lot. Any new residential construction in these districts would be inconsistent with the purpose of the districts and would occur under conditions unfavorable for residential occupancy.

23.13 COMMERCIAL, CC DISTRICT: These districts are designed to provide locations near main highways and thoroughfares for heavy commercial activities necessary to service retail and industrial areas. Applicable standards are designed to recognize, preserve and improve the character of existing development; parking needs for each building will be satisfied on its own lot. Any new residential construction in these districts would be inconsistent with the purpose of these districts and would occur under conditions unfavorable for residential occupancy.

23.14 COMMERCIAL, CD DISTRICT: These districts are designed to provide sites for essential retail services in, or adjacent to, residential neighborhoods. Such districts will be established primarily on vacant land, suitable for new neighborhood shopping construction. While new residential construction within these districts will be inconsistent with their purpose, review of site plans for each development will be essential to assure adequate parking and traffic facilities, agreeable relationship to adjacent residential areas, a high quality of commercial development and coordination with the comprehensive plan of zoning.

23.15 LIGHT INDUSTRIAL, LI-1 DISTRICT: These districts consist of areas that have been experiencing heavy commercial and industrial development over a period of years. Applicable standards allow for a range of size for establishments and relatively intensive use of land. Further development of retail and general automotive uses in these districts will be inconsistent with their purpose and the purpose of Commercial districts; further residential construction in these districts will be inconsistent with their purpose and would occur under conditions unfavorable for residential occupancy.

23.16 LIGHT INDUSTRIAL, LI-2 DISTRICT: These districts consist of areas intended to be used for heavy commercial and industrial development on a less intensive basis than the LI-1 districts. They are designed for occupancy on somewhat larger sites with more spacious setbacks, in order to assure a high quality of construction within the district, and an agreeable relationship to adjacent districts. Further development of retail, general automotive and residential uses in these districts will be inconsistent with their purpose and the purpose of commercial districts; any residential construction would occur under conditions unfavorable for residential occupancy.

23.17 LIGHT INDUSTRIAL, LI-3 DISTRICT: These districts are designed to provide spacious sites for heavy commercial and industrial development. Because they will be likely to be located near residential areas, applicable standards are designed to assure a high quality of construction within the district, and review of site plans will be essential to assure adequate parking and traffic facilities, agreeable relationship to residential areas and coordination with the comprehensive plan of zoning. Development of retail, general automotive and residential

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uses in these districts will be inconsistent with their purpose and the purpose of commercial districts; any residential construction would occur under conditions less favorable for residential occupancy than in residence districts.

23.18 SHORELINE DEVELOPMENT DISTRICT # 1: These districts are designed to provide sites in the shore area where hotels, motels and marina facilities for pleasure boats can be established in accordance with overall plans for development of the shore area. Parts of these districts may already be developed, or may be appropriately developed for residential purposes, so that the standards comparable to the R-2, residence district are also applicable. Because these districts will include, or be adjacent to, residential areas; the hotel, motel and marina uses will be appropriate only as special exceptions and upon a finding that the development will be compatible with the character of the district and the comprehensive plan of zoning.

23.19 SHORELINE DEVELOPMENT AREA: This district is, *in addition to, and overlaps* one or more other districts for the purpose of defining the section of Town in which other districts; including Planned Development Districts, will be established and coordinated in accordance with overall plans for the development of the shore area.

23.20 PLANNED DEVELOPMENT DISTRICT # : These districts, each of which may have applicable provisions that are unique, are designed to be located on large tracts of land only within the Shoreline Development Area in accordance with overall plans for development of the shore area and, in accordance with the purposes and provisions of section 26 of these Regulations.

23.21 PLANNED ELDERLY FACILITIES DISTRICT [PEFD]: These districts are specifically designed to accommodate housing for elderly residents of the Town in existing Residence, R-1, R-2 and R-3 zones. This district is created to permit tracts of land to be developed, redeveloped and improved as *"design units"* with a broad range of specialized facilities for the elderly.

23.22 PLANNED ELDERLY ASSISTED LIVING FACILITIES DISTRICT [EALFD]: Is a district, either combined with a subordinate number of non-assisted elderly housing units, or as an independent Elderly Care Facility designed to establish and provide a semi-independent, dignified style of residential living for individuals who, due to age and/or physical limitations and/or medical conditions require certain levels of managed supplemental assistance or care in a residential campus setting upon the approval of a special exception in accordance with the provisions of section 28 of these Regulations.

23.23 FLOOD PLAIN DISTRICT: These districts are designed to delineate flood prone areas of special flood hazard where special precautions should be exercised and conservation functions and protection measures should be considered. Applicable standards on the construction and use of land, building and other structures and the filling or excavation of land are established to protect life and property, avoid health problems and avoid an increase in flood danger. These districts recognize that some flood prone areas serve a valuable

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conservation function which should not be disrupted until after a determination that such areas can be used for human occupancy without danger to the public health, safety and property values. Plan review for all development in these districts will be essential with regard to safe access in emergencies, flood potentials, protective works and potential increases in flood danger to other property.

23.24 FARM RIVER FLOODPLAIN OVERLAY DISTRICT: This district is in addition to, and overlaps one or more district for the purpose of defining that section of Town along and adjacent to the Farm River that lies in an area of special flood hazard where special precautions should be exercised and protective measures should be considered. Accordingly, in addition to the provisions and requirements of the applicable underlying district, all activities and uses within the Overlay District must also comply with all of the provisions of **Section 29**, as well as those of the Flood Damage Prevention and Control Ordinance of the Town of East Haven.

23.25 VILLAGE DISTRICT OVERLAY: The purpose of the Village District is to preserve the character of the downtown and surrounding area, and to guide improvements in keeping with this character. The Village District is an overlay district, in which the uses of the underlying district are permitted, with a design review process to advise the Commission on aesthetic concerns. Guiding principles of this review.

23.26 DEVELOPMENT IMPROVEMENT DISTRICT: The purpose of this zone is to permit and facilitate the development of comprehensively planned commercial – mixed use developments in accordance with the Plan of Conservation and Development. This is to be provided through flexibility in the design to create an environment which enhances the community environment to accommodate current and future social and economic forces of enhanced community character. The Development Improvement District shall be considered a floating zone which may be established by approval of the Planning and Zoning Commission within areas designated on the Zoning Map as an Eligible Development Improvement Area.

23.27 RESIDENTIAL ENTERPRISE DISTRICT: This district is intended for properties within selected residential areas which would enable the use of these properties for low impact business used which would be compatible with proximate residential properties. These properties are located adjacent to commercial or industrial areas or located along certain section of the state highways.

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SECTION 24: PERMITTED & PROHIBITED USES

24.1 PERMITTED USES: "Schedule A", Permitted Uses, is hereby declared to be a part of these regulations; and herein after shall be referred to as *"SCHEDULE A".* Subject to the approval of a *Zoning Permit,* all land, buildings and other structures in any district [zone] shall be used for one or more of the following uses as may be specified in *SCHEDULE A* as being permitted in the district [zone] and for no other use. Uses listed in *Schedule A* are permitted or prohibited in accordance with the following designation and procedure:

'P' means a use that is permitted in the District [zone] as a matter of right.

'PA' means a permitted use in the District [zone] as a matter of right, subject to compliance with the additional standards and conditions specified in these Regulations.

'E' means a permitted use in the district [zone], subject to the approval of a *SPECIAL EXCEPTION* from the Commission, in accordance with the provisions of section 32 of these Regulations.

'TE' means a permitted use in the district [zone], subject to the approval of a *TEMPORARY SPECIAL EXCEPTION* from the Commission, in accordance with the provisions of section 31 of these Regulations.

'S' means a use permitted in the zone, subject to submission and approval of a **Site Plan** in Accordance with the provisions of **Section 33** of these regulations.

'X' means a use that is not permitted in the district [zone]

'R' means that reference should also be made to a similar use elsewhere in Schedule A.

24.2 PROHIBITED USES: Land, buildings and other structures shall only be used for one or more of the permitted uses in Schedule A. Any use not specified in Schedule A as being permitted, is prohibited. To further assist in the interpretation of Schedule A, the following uses, the listing of which is not intended to be exhaustive, are specifically and expressly prohibited in any zoning district within the Town of East Haven.

24.2.1 The use or occupancy of a trailer or tent as a dwelling is prohibited

24.2.2 The outdoor storage, in any residence district [zone] of any inoperable and/or unregistered motor vehicle is prohibited.

24.2.3 The outdoor accumulation or storage of trash, rubbish, debris, building materials, litter, inoperable motor vehicles or construction and/or commercial equipment in such a manner as to:

24.2.3.1 Be offensive to the sight of the general public or to adjoining property owners…..or

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24.2.3.2 Depreciate the value of property other than the lot where the accumulation or storage is located…..or

24.2.3.3 Give the impression that a commercial business is being conducted from the premises.

24.2.4 The manufacture, use, storage and/or disposal of hazardous materials and/or waste products; the outdoor accumulation, dumping, storage, burying, or incineration of refuse, garbage, septic tank waste, biomedical waste or radioactive or any other dangerous materials and waste treatment facilities.

24.2.5 The bulk storage of cement, concrete mixing plants, and/or the bulk storage of gas, petroleum products and other fuels in tanks having a capacity in excess of 10,000 gallons.

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SCHEDULE A: PERMITTED USES

USES

1A	~~[a]~~	Farms, trucks, gardens, forestry and the keeping of livestock and poultry, provided that no livestock or poultry shall be kept on a lot of less then two (2) acres and any building, paddock or fenced in area, in which livestock or poultry are kept is located not less than 50 feet from any property or street line, except than an aggregate of not more than 20 chickens, similar poultry, rabbits, or similar small animals may be kept on a smaller lot if kept in a building or enclosure located not less than 20 feet from any property or street line.	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
			RA-2 P	**CA-1** P	**CA-2** P	**CB-1** P	**CB-2** P	**CC** P
			CD P	**LI-1** P	**LI-2** P	**LI-3** P	**S-1** P	**DRA-1** P
1B~~A~~	~~[b]~~	The keeping and raising on ONE horse, pony, sheep calf, goat, burro, mule, or donkey for personal or family purposes as a pet, on any lot having a minimum area of 40,000 square feet or, a fraction thereof, all subject to the following conditions. I. Any such animal, so maintained, shall be kept in a building or stable, which shall be detached from the main building on such lot, and which shall be located at least 50 feet from any property or street line; and 100 feet from any well from which water is taken for human consumption. II. Stable manure shall be kept in a covered, water tight pit or chamber and shall be removed at least once weekly from May 1st to October 1st, and during the other months at intervals sufficiently frequent to maintain a sanitary condition, satisfactory to the East Shore Health Department.	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
			RA-2 P	**CA-1** P	**CA-2** P	**CB-1** P	**CB-2** P	**CC** P
			CD P	**LI-1** P	**LI-2** P	**LI-3** P	**S-1** P	**DRA-1** P
1C		Boarding of Horses, may be permitted for commercial purposes, subject to the following requirements.	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** X
			RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X
	[a]	The minimum parcel size shall be 5 acres.						
	[b]	There shall be a maximum of one horse or other large farm animal, such as cattle, sheep, or goats, kept per acre of property. This shall include all animals kept on the subject property, including animals owned by the owner.	**CD** X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
	[c]	No building pen or run used for such purposes shall be located closer than 50 feet to any property line.						
	[d]	A fence, adequate to contain the subject animals, and suitable to the surroundings, shall be required.						
	[e]	The areas where the animals are kept shall be kept clean and sanitary, and there shall be n oodors emanating from these areas that are detectable from adjacent properties.						

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2	A single, detached dwelling unit for one (1) family, and not more than one such dwelling per lot.	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
		RA-2 P	**CA-1** X	**CA-2** P	**CB-1** X	**CB-2** X	**CC** X
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** P	**DRA-1** P
3	Dwellings containing two (2) dwelling units, subject to the additional lot area requirements of Schedule B, and not more than one (1) such dwelling per lot.	**R-1** P	**R-2** P	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 P	**CA-1** P	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X
\		**CD** X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** P
4A	Dwellings containing three (3) or more dwelling units, subject to the additional lot area requirements of Schedule B.	**R-1** E	**R-2** P	**R-3** X	**R-4** X	**R-5** X	**RA-1** S
		RA-2 E	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** S	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** E
4B	Elderly housing facilities, non-assisted, subject to the additional standards and provisions of Section 33.19 [established 03/26/2001]	**R-1** E	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** E
		RA-2 E	**CA-1** E	**CA-2** X	**CB-1** X	**CB-2** E	**CC** X
		CD E	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
5A~~B~~	Dwellings containing three (3) or more dwelling units, subject to the additional lot area requirements of Schedule B, and provided that no dwelling unit is located on the ground floor or basement level in building areas facing a public street.	**R-1** ER	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** SR
		RA-2 SR	**CA-1** E	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** ER	**DRA-1** ER
6	Home Occupation -subject to the following conditions:	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
[a]	the person or persons conducting the office shall reside in the dwelling unit, and there shall be no more than two [2] non-resident persons engaged in the conduct of the office.	**RA-2** P	**CA-1** P	**CA-2** P	**CB-1** P	**CB-2** P	**CC** P
		CD P	**LI-1** P	**LI-2** P	**LI-3** P	**S-1** P	**DRA-1** P
[b]	The office shall not impair the residential character of the premises, and there shall be no evidence of the office outside the dwelling unit, except for permitted signs.						

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[c] The floor area used for the office shall not exceed one third of the floor area of the dwelling unit.

[d] If dwellings are prohibited in the district such use may be located only in a lawfully existing dwelling unit.

7~~8~~ Boarding/Rooming House: The letting of rooms or the furnishing of board in a dwelling unit to a total of not more than three [3] unrelated persons, subject to the following:

R-1	R-2	R-3	R-4	R-5	RA-1
E	E	E	E	E	E
RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
E	E	E	E	E	E
CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
E	E	E	E	E	E

[a] The property owner letting the rooms and/or furnishing board shall reside in the dwelling unit ...**and**

[b] The establishment of any rooming/boarding house in any zone shall be by **Special Exception**

[c] When rooms are let, the dwelling unit shall contain a minimum floor area of 200 sq. ft. of living space times the number of persons letting the rooms

[d] No accessory building shall be used for, or as part of, the letting of rooms or the furnishing of board

[e] The letting of rooms shall not include the provisions of cooking facilities for such rooms; but may include the sharing of the cooking facilities of the dwelling

[f] A yearly certificate of compliance requiring review and/or inspection from the local Zoning, Fire Marshall, Building Official and Health Dept. insuring public health, safety and welfare are afforded. The fee for said certificate of compliance shall be $ 50.00 per year.

~~8~~ [g] Failure to obtain/renew the aforesaid certificate of compliance within 30 days of the expiration date will result in automatic revocation of said **Special Exception.**

R-1	R-2	R-3	R-4	R-5	RA-1
E	E	E	E	E	E
RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
E	E	E	E	E	E
CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
E	E	E	E	E	E

[h] Any/all pre-existing rooming/boarding houses in operation on the effective dateof this text change shall not be exempt from subsections [e] and [f] of this Regulation. Any pre-existing or existing rooming/boarding house that suspends said use for one [1] year shall be required to re-apply for a special Exception under the existing rules of the P & Z Commission.

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~~8~~9	Buildings, uses and facilities of the Town of East Haven	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
		RA-2 P	**CA-1** P	**CA-2** P	**CB-1** P	**CB-2** P	**CC** P
		CD P	**LI-1** P	**LI-2** P	**LI-3** P	**S-1** P	**DRA-1** P
~~1~~90	Buildings, uses and facilities of the State of Connecticut, Federal Government or any other governmental agency/unit	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** E	**CA-2** E	**CB-1** E	**CB-2** E	**CC** E
		CD E	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** E	**DRA-1** E
10~~1~~	Stands for the display and sale of farm and truck garden produce grown on the premises, provided that such stand does not exceed 100 sq. ft. in area and is located not less than 20 feet from any property or street line.	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
		RA-2 P	**CA-1** P	**CA-2** P	**CB-1** P	**CB-2** P	**CC** P
		CD P	**LI-1** P	**LI-2** P	**LI-3** P	**S-1** P	**DRA-1** X
11~~2~~	Commercial nurseries including greenhouses incidental thereto, provided that any building in connection therewith is located not less than 50 feet from any property or street line and that there is no sale of products on the premises other than those grown on the premises	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** P
		RA-2 P	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** SR
		CD SR	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** P	**DRA-1** X
12~~3~~	Commercial nurseries and greenhouses.	**R-1** XR	**R-2** XR	**R-3** XR	**R-4** XR	**R-5** XR	**RA-1** XR
		RA-2 XR	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD S	**LI-1** XR	**LI-2** XR	**LI-3** XR	**S-1** XR	**DRA-1** X
13~~4~~	The following uses when conducted by a non-profit corporation and not as a business or for profit: churches and places of worship; parish halls; schools universities educational, religious, philanthropic and charitable institutions	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** S	**CB-1** X	**CB-2** X	**CC** X
		CD XR	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** XR	**DRA-1** X

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1~~5~~	Churches and places of worship, parish halls, schools, colleges, universities, educational, religious, philanthropic and charitable institutions	**R-1** XR	**R-2** XR	**R-3** XR	**R-4** XR	**R-5** XR	**RA-1** XR
		RA-2 XR	**CA-1** S	**CA-2** S	**CB-1** X	**CB-2** X	**CC** X
		CD XR	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** XR	**DRA-1** X
1~~6~~	Day Nurseries/ Day Care	**R-1** P	**R-2** P	**R-3** P	**R-4** P	**R-5** P	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** P	**DRA-1** E
1~~7~~	The following uses when not conducted as a business or for profit: membership clubs; lodges and community houses; provided that there is no sale or use of alcoholic liquors on the premises	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** S
		CD S	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** E
1~~8~~	Membership clubs, lodges and community houses	**R-1** XR	**R-2** XR	**R-3** XR	**R-4** XR	**R-5** XR	**RA-1** XR
		RA-2 XR	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** XR
		CD XR	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** XR	**DRA-1** X
1~~9~~	Public Park and recreation facilities; and private non-profit outdoor recreation facilities which are not conducted as a business or for profit	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD E	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** E
20	Public and private non-profit nature preserves, wildlife sanctuary and unimproved open areas.	**R-1** S	**R-2** S	**R-3** S	**R-4** S	**R-5** S	**RA-1** S
		RA-2 E	**CA-1** E	**CA-2** E	**CB-1** E	**CB-2** E	**CC** E
		CD E	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** X

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21~~20~~	A golf, tennis, swimming or similar club whether operated as a business for profit or not; including customary accessory services and eating facilities incidental to the conduct of a club but not including a golf driving range or miniature golf.	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** X
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
22~~1~~	A summer day camp provided that there is no furnishing of rooms except for accommodations for employees of the camp	**R-1** X	**R-2** X	**R-3** E	**R-4** E	**R-5** E	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** X
23~~2~~	Commercial kennels subject to the following conditions:	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** E	**RA-1** X
[a]	The use shall be located on a lot of not less than five [5] acres	**RA-2** X	**CA-1** E	**CA-2** E	**CB-1** E	**CB-2** E	**CC** E
[b]	~~Commercial kennels may be permitted by Special Exception in the CA-1, CA-2, CB-1, CB-2, CC, CD, LI-1, LI-2 and, LI-3, as an accessory to animal hospitals and veterinary clinics on parcels smaller than five acres.~~	**CD** E	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** X	**DRA-1** X
	No dogs shall be kept in any building or enclosure located within less than 150 feet of any property or street line						
[c]	Any building in which livestock are kept shall be located less than 50 feet from any property or street line.						
24	Livery, boarding stables, and riding schools, subject to the following conditions:	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** E	**RA-1** X
[a]	The use shall be located on a lot of not less than five [5] acres.	**RA-2** X	**CA-1** E	**CA-2** E	**CB-1** E	**CB-2** E	**CC** E
[b]	No dogs shall be kept in any building or enclosure located within less than 150 feet of any property or street line.	**CD** E	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** X	**DRA-1** X
[c]	Any building in which livestock are kept shall be located not less than 50 feet from any property or street line.						
25~~3~~	Private hospitals, convalescent homes and sanitaria, licensed by the State of CT., subject to the following conditions:	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**

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[a]	The use shall not include facilities for the insane, alcoholics or drug addicts.	E	E	S	S	S	X
[b]	When the use is not served by sanitary sewers, the use shall be located on a lot containing less than 10,000 sq. ft. for each patient accommodation	**CD** X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
[c]	When the use is served by sanitary sewers, the use shall be located on a lot containing no less than 3,000 sq. ft. for each patient accommodation if the lot contains an area of two [2] acres or more.						

264	Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** SR
		CD SR	**LI-1** SR	**LI-2** SR	**LI-3** SR	**S-1** E	**DRA-1** X
275	Public utility substations, telephone equipment buildings and maintenance and service facilities	**R-1** XR	**R-2** XR	**R-3** XR	**R-4** XR	**R-5** XR	**RA-1** XR
		RA-2 XR	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD S	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** XR	**DRA-1** X
286	Electric power transmission lines; public utility water supply reservoirs, wells, towers, treatment facilities and pump stations	**R-1** E	**R-2** E	**R-3** E	**R-4** E	**R-5** E	**RA-1** E
		RA-2 E	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD E	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** E	**DRA-1** X
297	Business and professional offices	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD S	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** S	**DRA-1** S
3027A	Business and professional offices in an R-1 zone, subject to the approval of the proposed location, site plan approval, and appropriate signage, architectural compatibility, parking, lighting and buffer strips, subject to the additional standards of Section 33.15. [formerly, use line 24a, established 12/17/1983]	**R-1** S	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**

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		X	X	X	X	X	X
31~~28~~	Banks and other financial institutions	**R-1** X **RA-2** X **CD** S	**R-2** X **CA-1** S **LI-1** S	**R-3** X **CA-2** S **LI-2** S	**R-4** X **CB-1** S **LI-3** S	**R-5** X **CB-2** S **S-1** X	**RA-1** X **CC** S **DRA-1** X
32~~29~~	Stores and other buildings & structures where goods are sold or service is rendered primarily at retail, except the sale of alcohol for on-site consumption.	**R-1** X **RA-2** X **CD** S	**R-2** X **CA-1** S **LI-1** XR	**R-3** X **CA-2** S **LI-2** XR	**R-4** X **CB-1** S **LI-3** XR	**R-5** X **CB-2** S **S-1** XR	**RA-1** X **CC** S **DRA-1** X
33~~29~~A	Adult oriented business & entertainment establishments whose principal activity is related to adult entertainment and including; but not limited to adult book stores, adult motion picture theaters, adult mini-motion picture theaters; establishments featuring the rental and/or sale of adult videos, adult cabarets, adult novelty businesses and/or certain adult personal service businesses	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** X **LI-1** X	**R-3** X **CA-2** E **LI-2** X	**R-4** X **CB-1** X **LI-3** X	**R-5** X **CB-2** X **S-1** X	**RA-1** X **CC** X **DRA-1** X
34~~29~~B	Tattoo and body piercing studios whose principal activity is related to the tattooing and/or body piercing of individuals in anatomical areas of he human body other than the ear	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** X **LI-1** X	**R-3** X **CA-2** S **LI-2** X	**R-4** X **CB-1** X **LI-3** X	**R-5** X **CB-2** X **S-1** X	**RA-1** X **CC** X **DRA-1** X
35~~29~~C	The retail sale of used and/or second hand and/or pre-owned goods or merchandise by any pawn shop; swap shop; used clothing and/or furniture and/or appliance shop; consignment shop; and/or indoor flea market to the general public.	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** E **LI-1** X	**R-3** X **CA-2** E **LI-2** X	**R-4** X **CB-1** E **LI-3** X	**R-5** X **CB-2** E **S-1** X	**RA-1** X **CC** E **DRA-1** X
36~~20~~	Stores and other buildings or structures where goods are sold or service is rendered at retail when accessory and subordinate to a permitted use on thesame premises.	**R-1** X **RA-2** X **CD** SR	**R-2** X **CA-1** SR **LI-1** S	**R-3** X **CA-2** SR **LI-2** S	**R-4** X **CB-1** SR **LI-3** S	**R-5** X **CB-2** SR **S-1** E	**RA-1** X **CC** SR **DRA-1** X
37~~31~~	Self-cleaning establishments or cleaning agency including clothes pressing and cleaning	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X

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	with nonflammable liquids; laundry agency or self-service laundry not using steam.	**RA-2** X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD S	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
384~~2~~	Laundry, cleaning and dying plants	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** XR	**CA-2** XR	**CB-1** S	**CB-2** S	**CC** S
		CD XR	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
39~~3~~	Undertakers' establishments/ Funeral Homes	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
40~~34~~	Indoor theatres and assembly halls	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** XR	**LI-2** XR	**LI-3** XR	**S-1** X	**DRA-1** X
~~3~~41~~5~~	Indoor theatres and assembly halls when accessory and subordinate to a permitted use on the same premises.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** SR
		CD S	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** E	**DRA-1** X
~~36~~42	Outdoor theaters	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
43~~36~~A	Indoor movie booth viewing centers, featuring either conventional and/or adult oriented films, movies or slides and pictures.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** E	**CC** X
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**

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		X	X	X	X	X	X
44~~37~~	Restaurants and other food service establishments including "drive-in" restaurants	**R-1** X **RA-2** X **CD** XR	**R-2** X **CA-1** XR **LI-1** XR	**R-3** X **CA-2** XR **LI-2** XR	**R-4** X **CB-1** S **LI-3** XR	**R-5** X **CB-2** S **S-1** XR	**RA-1** X **CC** S **DRA-1** X
45~~38~~	Restaurants and other food service establishments where customers are served only when seated at tables or counters and at least ¾ of the customers seats are located within an enclosed building. Such uses may include a food take-out service incidental to the primary permitted use, but shall not include establishments where customers are served in motor vehicles or served primarily at food take-out counters or drive-thru windows.	**R-1** X **RA-2** X **CD** XR	**R-2** X **CA-1** S **LI-1** S	**R-3** X **CA-2** S **LI-2** S	**R-4** X **CB-1** SR **LI-3** S	**R-5** X **CB-2** SR **S-1** S	**RA-1** X **CC** SR **DRA-1** X
46	The sale of alcoholic beverages to be consumed within the premises or on-site, including those establishments which require one of the following permits issued by the State of Connecticut Liquor Control Commission; restaurant permit, café permit, club permit, hotel permit, and resort permit.	**R-1** E **RA-2** E **CD** XR	**R-2** E **CA-1** S **LI-1** X	**R-3** E **CA-2** S **LI-2** X	**R-4** E **CB-1** X **LI-3** X	**R-5** E **CB-2** X **S-1** XR	**RA-1** E **CC** X **DRA-1** X
47	Automobile- Car washing facilities including the washing of trucks, detailing and polishing.	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** S **LI-1** E	**R-3** X **CA-2** S **LI-2** E	**R-4** X **CB-1** E **LI-3** E	**R-5** X **CB-2** E **S-1** X	**RA-1** X **CC** E **DRA-1** X
39~~48~~	Motor vehicle service stations having a limited repairer's license issued by the State of Connecticut, provided that no pump for the retail selling of gasoline on any lot shall be located within less than 1500 feet of a pump for the retail selling of gasoline on any other lot.	**R-1** X **RA-2** X **CD** S	**R-2** X **CA-1** X **LI-1** S	**R-3** X **CA-2** X **LI-2** S	**R-4** X **CB-1** SR **LI-3** S	**R-5** X **CB-2** SR **S-1** XR	**RA-1** X **CC** SR **DRA-1** X
41~~49~~	Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to a permitted use on the same premises.	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** X **LI-1** S	**R-3** X **CA-2** X **LI-2** S	**R-4** X **CB-1** SR **LI-3** S	**R-5** X **CB-2** SR **S-1** X	**RA-1** X **CC** SR **DRA-1** X
50	Motor vehicle repair facilities, including automobile, truck, trailer, and farm equipment,	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X

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	repairing, painting and upholstering, the sale of new or used automobiles, trucks, trailers or farm equipment, radio or telephone installations, vehicle detailing, or the rental of automobiles and/or trucks.	**RA-2** X	**CA-1** S	**CA-2** S	**CB-1** E	**CB-2** E	**CC** E
		CD X	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** X	**DRA-1** X
~~42~~51	Hotels and Motels, and restaurants, recreation facilities and cabanas when accessory and subordinate thereto.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** X
~~43~~52	Bowling alleys and billiard or pool halls.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** E	**CA-2** E	**CB-1** E	**CB-2** E	**CC** E
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** S
~~44~~53	Marinas, docks, wharves, slip basins and landings for pleasure boats including the storage, repair and servicing of pleasure boats.	**R-1** XR	**R-2** XR	**R-3** XR	**R-4** XR	**R-5** XR	**RA-1** XR
		RA-2 XR	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** X
~~45~~54	Sale of pleasure boats and marine equipment, engines, supplies and provisions for pleasure boats	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD S	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** E	**DRA-1** X
~~46~~55	Veterinary Hospitals	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD X	**LI-1** X	**LI-2** X	**LI-3** X	**S-1** X	**DRA-1** X
~~47~~56	Medical and dental clinics, medical laboratories, rehabilitation facilities, licensed by the State of Connecticut.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** S
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**

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		S	S	S	S	X	X
~~48~~57	Printing & Publishing establishments occupying not more than 5,000 sq. ft. of floor area	**R-1** X **RA-2** X **CD** S	**R-2** X **CA-1** S **LI-1** XR	**R-3** X **CA-2** S **LI-2** XR	**R-4** X **CB-1** S **LI-3** XR	**R-5** X **CB-2** S **S-1** X	**RA-1** X **CC** XR **DRA-1** X
~~49~~58	Printing and publishing establishments	**R-1** X **RA-2** X **CD** XR	**R-2** X **CA-1** SR **LI-1** S	**R-3** X **CA-2** SR **LI-2** S	**R-4** X **CB-1** SR **LI-3** S	**R-5** X **CB-2** SR **S-1** X	**RA-1** X **CC** S **DRA-1** X
~~50~~59	Warehousing and wholesale business	**R-1** X **RA-2** X **CD** XR	**R-2** X **CA-1** XR **LI-1** S	**R-3** X **CA-2** XR **LI-2** S	**R-4** X **CB-1** XR **LI-3** S	**R-5** X **CB-2** XR **S-1** X	**RA-1** X **CC** S **DRA-1** X
~~50A~~60A	Mini-warehouse facilities offering individual storage areas on a rental basis and excluding storage areas for motor vehicles.	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** S **LI-1** S	**R-3** X **CA-2** S **LI-2** S	**R-4** X **CB-1** S **LI-3** X	**R-5** X **CB-2** S **S-1** X	**RA-1** X **CC** S **DRA-1** X
~~51~~61	Storage of a reasonable quantity of retail merchandise and supplies necessary for the operation of a permitted use being conducted on the same lot.	**R-1** X **RA-2** X **CD** S	**R-2** X **CA-1** S **LI-1** SR	**R-3** X **CA-2** S **LI-2** SR	**R-4** X **CB-1** S **LI-3** SR	**R-5** X **CB-2** S **S-1** X	**RA-1** X **CC** SR **DRA-1** X
~~52~~62	Commercial storage, sale and distribution of fuel.	**R-1** X **RA-2** X **CD** X	**R-2** X **CA-1** X **LI-1** S	**R-3** X **CA-2** X **LI-2** S	**R-4** X **CB-1** X **LI-3** SR	**R-5** X **CB-2** X **S-1** X	**RA-1** X **CC** S **DRA-1** X
63	Convenience Store Gasoline Stations provided that none of the gasoline pumps be located within less than 1500 feet of a pump for the	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X

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	retail selling of gasoline on any other lot.	**RA-2** X	**CA-1** S	**CA-2** S	**CB-1** SR	**CB-2** SR	**CC** SR
		CD S	**LI-1** E	**LI-2** E	**LI-3** E	**S-1** X	**DRA-1** X
~~53~~64	Bulk storage of cement and petroleum products; concrete making plants.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** S	**LI-2** E	**LI-3** X	**S-1** X	**DRA-1** X
~~54~~65	Freight and materials, trucking businesses & terminals; bus terminals.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** S	**LI-2** E	**LI-3** X	**S-1** X	**DRA-1** X
~~55~~66	Freight and materials, trucking businesses when accessory and subordinate to a permitted use on the same premises.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** SR
		CD X	**LI-1** SR	**LI-2** SR	**LI-3** S	**S-1** X	**DRA-1** X
~~56~~67	Building contractors, business and storage yards.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** S	**LI-2** E	**LI-3** X	**S-1** X	**DRA-1** X
~~57~~68	Lumber and building materials related businesses.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** S	**LI-2** E	**LI-3** X	**S-1** X	**DRA-1** X
~~58~~69	Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops when occupying not more than 5,000 sq. ft. of floor area.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** S	**CB-2** S	**CC** SR
		CD X	**LI-1** SR	**LI-2** SR	**LI-3** SR	**S-1** X	**DRA-1** X

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~~59~~70	Painting, woodworking, sheet metal, blacksmith, welding, tire recapping and machine shops.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** SR	**CB-2** SR	**CC** S
		CD X	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
~~60~~71	Plants for the processing and distribution of milk and edible dairy products and the packaging and distribution of beverages.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** S
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** S
		CD X	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
~~61~~72	Research laboratories; provided there is no manufacture, processing or assembling of goods except as incidental to research.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** S	**CA-2** S	**CB-1** S	**CB-2** S	**CC** XR
		CD X	**LI-1** SR	**LI-2** SR	**LI-3** SR	**S-1** X	**DRA-1** X
~~62~~73	Research laboratories	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** S
		CD X	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
~~63~~74	The manufacture, processing or assembling of goods when accessory and subordinate to a permitted use being conducted on the same premises and when located within an enclosed building.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** S
		CD X	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
~~64~~75	The manufacture, processing or assembling of goods	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** SR	**CA-2** SR	**CB-1** SR	**CB-2** SR	**CC** SR
		CD SR	**LI-1** S	**LI-2** S	**LI-3** S	**S-1** X	**DRA-1** X
~~65~~76	Motor vehicle and other junk yards when conducted entirely within an enclosed building.	**R-1** X	**R-2** X	**R-3** X	**R-4** X	**R-5** X	**RA-1** X
		RA-2 X	**CA-1** X	**CA-2** X	**CB-1** X	**CB-2** X	**CC** X

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		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		X	S	X	X	X	X
~~66~~77	Topsoil, sand and gravel removal as provided in **Section 31.**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		E	E	E	E	E	E
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		E	E	E	E	E	E
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		E	E	E	E	E	E
~~67~~78	Signs as provided in **Section 43.**	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		P	P	P	P	P	P
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		P	P	P	P	P	P
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		P	P	P	P	P	P
~~68~~79	Off-street parking and loading facilities	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		XR	XR	XR	XR	XR	XR
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		S	S	S	S	S	S
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		S	S	S	S	XR	XR
~~69~~80	Railroad rights-of-way and passenger stations including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		E	E	E	E	E	E
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		E	S	S	S	S	SR
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		S	SR	SR	SR	E	X
~~70~~81	Railroad rights-of-way and passenger stations including customary accessory services therein; switching storage sidings, freight yards and freight terminals.	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		XR	XR	XR	XR	XR	XR
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		XR	XR	XR	XR	XR	P
		CD	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		XR	S	S	S	XR	X
~~71~~82	Accessory uses customary with and incidental to any aforesaid permitted use, subject to the following additional standards and conditions applicable in Residence Districts:	**R-1**	**R-2**	**R-3**	**R-4**	**R-5**	**RA-1**
		P	P	P	P	P	P
		RA-2	**CA-1**	**CA-2**	**CB-1**	**CB-2**	**CC**
		P	P	P	P	P	P
	[a] The accessory use shall be located on the same lot with the permitted use to which it is accessory.	**CD**	**LI-1**	**LI-2**	**LI-3**	**S-1**	**DRA-1**
		S	P	P	S	P	P
	[b] Accessory uses may include off-street parking spaces and private garages.						

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[c] Except in connection with a permitted farm, truck garden or commercial nursery, there shall be no more than one commercial vehicle parked or stored on any lot; and such vehicle shall not exceed 1 ½ tons capacity and shall be parked or
stored only in an enclosed garage.

[d] No part of a lot located in a Residence District shall be used for access to a use not permitted in such District.

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SECTION 25: TOWNWIDE STANDARDS - AREA, LOCATION and BULK STANDARDS

25.1 SCHEDULE "B": Schedule "B", standards is hereby declared to be a part of these Regulations, and is referred to herein as "Schedule B". The area, shape and frontage of lots, and the location and bulk standards of buildings and other structures, applicable in each district are as herein after specified and as set forth in Schedule B.

25.2 LOT AREA and SHAPE: In determining minimum lot area and shape requirements of the regulations, land subject to easement facilities and underground public utilities may be included, but no easement for vehicular traffic or above ground public utility transmission lines, or any part of a public or private street nor any easement which grants exclusive surface use of the property to anyone other than the property owner may be included.

The following additional criteria shall also apply:

25.2.1 Each lot shall contain an area of contiguous buildable land, exclusive of steep slope areas, wetlands, watercourses, ponds, and lakes.

25.2.2 A "steep slope area" is defined to be any area, having a horizontal width of 30 feet or more with a grade of more than 25 percent; measured 90 degrees to contours having an interval of not more than two (2) feet.

25.2.3 For lots used, or intended to be used for single or two family dwelling units, the access to the buildable area must be accomplished without traversing a steep slope area; and if the only feasible access to such a buildable area requires crossing an area of wetlands, such crossing lust have the prior approval of the Board of Commission of State and/or Federal Agency having jurisdiction over the area of wetlands.

25.2.4 Land in two or more zoning districts may be used to satisfy a minimum lot area requirement provided that the requirement of the district requiring the largest lost area Is met; but not land in a residence district shall be used to satisfy a lot area requirement in any other district.

25.2.5 Areas consisting of ponds, lakes, wetlands, or marshes shall not be used for compliance with more than twenty-five (25) percent of the minimum lot area requirements.

25.2.6 EXCEPTIONS: The requirements of paragraph 25.2 shall not be construed to prohibit condominium ownership of a building or buildings meeting the requirements of such paragraph; the requirements of paragraph 25.2 shall not be construed to prohibit other ownership of a portion of a building and its related lot, provided that a special exception therefore has been approved by the Commission, in accordance with section 32 and a subdivision map therefore has been approved by the commission in accordance with the standards of the Subdivision Regulations of the

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Town of East Haven. The Commission may grant a special exception to permit the establishment of an Open Space Subdivision Plan in accordance with the provisions of Section 34.

25.3 HEIGHT: No building or other structure shall exceed the number of stories and/or the maximum height, whichever is less as specified in
Schedule B. This limitation however, shall not apply to the following, when not used for human occupancy: spires, ornamental cupolas, towers, chimneys, flagpoles and silos as well as such features plus tanks and elevators, heating, ventilating, air conditioning and similar equipment that are located on the roof of a building and not occupying more than 20 percent of the area of the roof.

25.3.1 Height, detached residential [private] garage: In any residential zone, no detached garage shall exceed the height of 15 feet from the foundation to the highest point of the roof.

25.4 SETBACKS: No building or other structure shall extend within less than the minimum distances of any street line, rear property line or other property line[s], or residence district

boundary line as specified in Schedule B, subject to the following exceptions and additional limitations:

25.4.1 Signs: Certain permitted signs, as specified in Section 43 may extend within lesser distances of a property and/or street line.

25.4.2 Projections: Pilasters, belt courses, sills, cornices, marquees, canopies, eaves and similar architectural features and fire escapes may project into the area required for setback from a property or street line.

25.4.3 Additional Setbacks: In residence and shoreline development districts, any portion of a building or other structure exceeding 30 feet in height shall be set back from any property or street line by two [2] additional feet for each foot, or fraction thereof, by which such portion exceeds 30 feet in height, except that no additional setback from a street line is required in a Residence, RA-2 District.

25.4.4 Narrow Streets: The required setback from a street line of a street having a width of less than 50 feet shall be increased by one half of the difference between 50 feet and the actual width of the public or private right-of-way of the street.

25.4.5 Railroads, Bulkheads and Pier heads: In commercial and Light Industrial Districts, no set back is required from a railroad right-of-way, or and established waterfront bulkhead or pier head line.

25.4.6 Guard Houses: In Light Industrial Districts, a building, not exceeding 150 square feet, and used solely as a guard house, gate house or security building may extend to

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within ten [10] feet of any street line.

25.4.7 Commercial, CA-1 District: On any lot in the Commercial CA-1 District, no setback is required from a property line, provided that access to a public street by means of an alley or other right-of-way, not less than ten [10] feet in width is provided to any portion of the lot where buildings and other structures are set back from a property line. Any building or other structure that is set back from a property line, other than a street line, shall not extend within less than ten [10] feet of such property line, except that the owners of adjoining lots may, by mutual agreement, and recorded in the land records of the Town of East Haven, agree to reduce such setback from a common property line so as to provide a total distance of not less than ten [10] feet between buildings or other structures on such adjoining lots.

25.4.8 Commercial, CA-2, CB-1 and CB-2 Districts: The owners of adjoining lots in any Commercial CA-2, CB-1 or CB-2 district, may, by mutual agreement, and recorded in the land records of the Town of East Haven, agree to eliminate the required setback from a common property line, or to reduce the required setback from a common property line by up to five [5] feet on each side of such line. Such reduction, or elimination of the required setback is permitted, provided that access to a public street by means of an alley or other right-of-way, not less than 10 feet in width is provided to any portion of the lot where buildings and other structures are set back from a property line.

25.4.9 Form of Ownership: The requirements of paragraph 25.4 shall not be construed to prohibit condominium ownership of a building or buildings. The requirements of paragraph 25.4 shall not be construed to prohibit other ownership or a portion of a building and its related lot, provided that a special exception therefore has been granted by the Commission in accordance with Section 32 and a subdivision map therefore has been approved by the Commission in accordance with the standards of the Subdivision Regulations of the Town of East Haven and recorded in the land records of the Town of East Haven.

25.4.10 Accessory Buildings in Residence Districts: The following additional requirements shall apply to detached buildings or structures, accessory to a dwelling in any residence district:

25.4.10.1 In any Residence, R-1, R-2, RA-1, RA-2 or DRA district, no such building or structure shall extend within less than 50 feet of any street line; but on a corner lot, may extend to within 35 feet of the longest street line. Any such building or structure, not exceeding 15 feet in height and five hundred [500] square feet in floor area may extend to within four [4] feet of any property line.

25.4.10.2 In any R-3, R-4 or R-5 District, no such building or structure shall extend within less than 75 feet of any street line; but on a corner lot may extend to within 60 feet of the longest street line. Any such building or structure,

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not exceeding 15 feet in height and five hundred [500] square feet in floor area may extend to within ten [10] feet of any property line.

25.4.10.3 Notwithstanding the provisions of [a] and [b] of this section, any proposed building in any/all residential district zones, regardless of it's height and/or square footage, that is proposed to fall partially or totally within the Farm River Flood Plain [overlay] District may, from the date of the adoption of this section [1989] be subjected to more stringent rear and/or side setbacks, if in the opinion of the individual charged with the enforcement of these Regulations, and/or the Town Engineer should determine that the proposed location of said accessory building or structure may produce a negative impact and/or potentially impede and/or contribute to the flow or flooding along the Farm River.

25.4.11 Fences, Walls and Terraces: The required setback distances shall not apply to fences and/or walls, six [6] feet in height or less, or to necessary retaining walls, or to unroofed terraces; but no fence, wall or terrace wall be located within a right of way of any street. Any fence or wall, or any portion thereof, which exceeds a height of 6 feet must meet the setback requirements in the district.

25.4.11.1 Fences, Walls and Terraces in the Farm River Flood Plain District. [1988] Notwithstanding the provisions of Section 25.4.11, and in the interest of the public health, safety and welfare; no fence, wall and/or terrace that, when erected and/or constructed may create a situation where the flow of the Farm River may be impeded, blocked, altered or diverted. Any fence, wall or terrace within the Farm River Flood Plain District shall be constructed only after a proposal to erect and/or construct said fence, wall and/or terrace is reviewed for the aforementioned concerns by the office of the Town Engineer.

25.4.11.2 Corner Visibility: No dense planting, fence or wall shall be allowed within the triangle formed by the intersecting street right-of-way lines of any public or private street and a line connecting two points, located 50 feet from said intersection, along each street line so as not to interfere with traffic visibility and public safety around such corner.

25.4.12 Boats and Trailers: In residence districts non commercially orientated boats and trailers that exceed 14 feet in length may be stored outside, in the rear yard on any lot, but must meet the minimum side and rear setbacks in the district.

25.4.13 Swimming Pool: Except as provided hereinafter, no swimming pool shall be located, constructed, or maintained on any lot or area of land, except in conformity with the following requirements:

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25.4.13.1 A pool may be installed or maintained in any residential, or non-residential district

25.4.13.2 A pool shall be used as an accessory use to a dwelling, or a group of dwellings, or as part of the recreational facilities of a camp, club or a similar use.

25.4.13.3 When accessory to a single or two family residence, said pool shall be located in the rear yard only.

25.4.13.4 The portion of the premises upon which such pool is to be located shall be entirely enclosed with a good quality security type of fencing no less than four [4] feet in height and who's type and installation shall satisfy and be approved by the Building Official of the Town of East Haven.

25.4.13.5 Every gate or opening in said fence enclosing said pool shall be of a self-closing and locking nature and said fence shall be closed and locked whenever said pool is not in use.

25.4.13.6 Said pool shall be located not less than fifteen [15] feet from the side and rear lot lines and 15 feet from the foundation of the main building; except in the R-1 Residence district where the required setbacks may be reduced to 10 feet.

25.4.13.7 That any deck and/or platform attached and/or adjacent pool shall be considered a separate structure and be subject to the setback requirements of the respective district.

25.4.13.8 No loudspeaker or amplifying device shall be permitted which can be heard beyond the lot lines of the lot on which said pool is located.

25.4.13.9 No lighting or spot lighting shall be permitted which will illuminate any area beyond the lot on which said pool is located.

25.4.13.10 Where the proposed pool is of such a height or design that protective fencing is not required by Law and/or the State Building Code, the requirements of section 25.4.13d may be waived.

25.4.13.11

25.4.14 EXEMPTIONS FOR ADA ACCOMODATIONS: All~~;~~ external features intended to accommodate disabled people as provided within the Americans with Disability Ace shall be exempt from the requirements of Section 25.4 and Schedule B. These features shall include but not limited to ramps and lifts.

25.5 COVERAGE and BULK: The aggregate lot coverage of all buildings and other structures

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on any lot shall not exceed the percentage of the lot area as specified in Schedule B, and the total floor area of all buildings and other structures on any lot, excluding basements, shall not exceed the percentage of lot area as specified in schedule B, which coverage and floor are provisions are subject to the following exceptions and additional limitations:

25.5.1 Form of Ownership: The requirements of paragraph 25.5 shall not be construed to prohibit condominium ownership of a building or buildings. The requirements of paragraph 25.5 shall not be construed to prohibit the ownership of a portion of a building and its related lot, provided that a special exception therefore has been granted by the Commission in accordance with Section 32 and a subdivision map therefore has been approved by the Commission in accordance with the standards of the Subdivision Regulations of the Town of East Haven and recorded in the land records of the Town of East Haven.

25.5.2 Residence RA-2 District: In RA-2 Residence Districts, the limitations on floor area shall not apply to floor area in, or on a building or structure used for off-street parking or loading spaces when such floor area does not exceed 10 percent of the area of or is located inside the downward extension of the perimeter walls of the building to which such spaces are accessory. The limitation on total floor area, as applied to dwellings containing two or more dwelling units may be increased by ten [10] percent of the area of the lot, or a fraction thereof, for each one [1] percent, or fraction thereof, by which the aggregate ground coverage of such dwelling is reduce below the maximum ground coverage in Schedule B.

25.5.3: Commercial, CA-1 Districts: In Commercial CA- 1 Districts; the limitations of total floor area shall not apply to floor area in or on a building or structure used for off-street parking or loading spaces

25.6 MINIMUM FLOOR AREA; DWELLING AND DWELLING UNITS: Each dwelling unit shall have a minimum floor area, as specified in Schedule B. Each dwelling shall have a minimum floor area as specified in Schedule B. Each dwelling containing two [2] or more dwelling units shall also have a minimum floor area for each dwelling unit as specified in Schedule B.

25.7 OUTSIDE STORAGE: Outside storage, which is hereby defined to be: The outside storage or display of merchandise, supplies, machinery and other materials and/or outside manufacture, processing or assembling of goods; but excluding areas for parking of registered motor vehicles in daily use shall be limited as follows:

25.7.1 Commercial CD Districts: There shall be no outside storage areas in Commercial, CD Districts.

25.7.2 Other Commercial Districts: In Commercial CA-1, CA-2, CB-1, CB-2 and CC Districts, outside storage areas shall not extend into the area required for setback from a street line or a Residential District Boundary Line.

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25.7.3 Light Industrial # 3 [LI-3] Districts: In Light Industrial #3 Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or Residence District boundary line; shall not exceed fifteen [15] percent of the lot area and shall be enclosed [except for necessary access drives] by buildings and/or by fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other lot or from a street.

25.7.4 Light Industrial # 1 and 2 Districts: In Light Industrial # 1 and 2 Districts, outside storage areas shall not extend into the area required for setback from a property line, street line or a Residence District boundary line, and the aggregate lot coverage of all buildings, other structures and areas of outside storage shall not exceed 60 percent of the area of the lot.

25.7A STORAGE CONTAINERS (effective 11/05/2014): Storage containers, which are hereby defined as: any box-like container transported by truck or trailer to a desired location for drop off with a storage capacity of more than 216 cubic feet that would normally be stored at an offsite location. A commonly accepted name for these storage containers is PODS, an acronym for Portable On-Demand Storage.

25.7A.1 Permit Required – Development Standards:

A. A building permit is required prior to placement of a cargo container larger than 200 square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement criteria for the zone.

B. Cargo Containers shall meet the setback requirements of the underlying zone.

C. Cargo containers shall not be stacked above the height of a single container device, except for placement within the Light Industrial (LI) Zone and on the back yard one-half of the lot or parcel.

D. Cargo containers shall not be used for any advertising purpose and shall be kept clean of all alpha-numeric signage and writing.

E. As a condition of placement, cargo containers may be required to be fenced or screened from abutting properties and/or rights-of-pursuant to the provisions of the underlying zoning regulations.

F. Cargo containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of the overall lot coverage.

G. Cargo Containers shall not occupy required off-street parking, loading or

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landscaping areas.

H. Materials stored within cargo containers are subject to review and approval by the Fire District.

25.7A.2 Time to Comply: All owners of property within the Town of East Haven shall have 120 days from the effective date of the Public Hearing to bring the properties, which currently contain accessory storage buildings that are in violation of the terms of this chapter, into full compliance with the provisions of this chapter

25.7A.3 Storage on Residential Use Properties:

A. Only accessory storage buildings as defined in these regulations shall be permitted as accessory storage containers on property in any residential zone of the city, or on any property within the city the primary use of which is residential. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property the primary use of which is residential.

B. Notwithstanding the provisions set forth in Subsection A of this section, the temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding 30 days in any one calendar year.

C. Notwithstanding the provisions set forth in Subsection A of this section, licensed and bonded contractors may use cargo containers for the temporary location of an office, equipment, and/or materials storage structure during construction which is taking place on the property where the cargo container is located, if the cargo container is authorized pursuant to a city building permit.

25.7A.4 Miscellaneous Requirements:

25.7A.4.1 The use shall be limited to incidental storage to an approved non-residential use and shall not be used to store hazardous materials unless approved but the Fire Department.

25.7A.4.2 The use shall not allow human occupancy of the containers.

25.7A.4.3 Containers that have been factory-built with and electrical, plumbing, heating or air conditioning systems shall not be connected to a power source.

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25.7A.4.4 Containers shall be maintained in good condition and free of graffiti at all times.

25.7A.5 Storage Container Permit Fees:

All Residential Zones: $50.00

All Light Industrial & Commercial Zones: $100.00

25.8 SITE DEVELOPMENT and LANDSCAPING: On any lot that is to be used in the Shoreline Development District #1, Commercial and Light Industrial Districts site developments and landscaping shall be established as follows:

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

25.8.2 General Landscape Requirements: Except for parking spaces provided in connections with one, two, and three family dwelling units and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street or side property line shall be suitable landscaped with trees and/or shrubs, lawn, washed decorative gravel, decorative mulch, or other appropriate ground cover. When parking spaces and/or access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas.

25.8.3 Shoreline Development Districts: All portions of the lot not covered by buildings and other structures and off-street parking and loading spaces, driveways and sidewalks shall be suitably landscaped with lawns, trees and/or shrubs, washed gravel or ornamental brick or stone pavers, or left as natural terrain.

25.8.4 Commercial Districts: A strip of land, not less than 12 feet in width, along and adjacent to any Residence District boundary line shall be suitable landscaped with lawns and with trees and/or shrubs, except that said landscaped strip may be reduce to 8 feet when combined with a fence or wall screening said Commercial District to a height of 46 feet.

25.8.5 Light Industrial Districts: In Light Industrial Districts, the area required for setbacks from a street line shall be suitable landscaped with lawns, trees and/or shrubs, washed gravel or decorative stone or ornamental brick or stone pavement, except for sidewalks and permitted driveways and off-street parking spaces. Along and adjacent to any Residence District boundary line, a strip of land, not less than 50 feet in any Light Industrial #3 [LI-3]; and not less than 30 feet in any Light Industrial #2 [LI-2] shall be left in its natural state, if already wooded, or shall be landscaped with lawns, trees and/or shrubs.

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25.8.6 LANDSCAPING WITHIN PARKING LOTS: In addition to the requirements above, for parking facilities *exceeding 25 spaces*, interior landscaping shall be provided as follows:

25.8.6.1 Within the interior of the parking facility, landscaped areas shall be provided and located in such a manner as to break up the expanse of pavement throughout the lot.

25.8.6.2 Each interior landscape area shall be of a minimum area to ensure that the plantings therein will survive and thrive.

25.8.6.3 There shall be at least (1) deciduous tree situates within each area dedicated to landscaping and said landscape areas shall be protected and bordered by concrete curbing.

25.8.6.4 All parking areas with more than fifty (50) parking spaces shall contain landscaped strips separating aisles of parking spaces every three aisles. The strip shall have a minimum width of 8' and properly landscaped. The commission may require a walkway within these strips if the determine it necessary for pedestrian safety.

25.8.6.5 There shall be a landscaped area at the ends of each aisle with a minimum size of 20 square feet, with a deciduous tree or a species which is suitable in a parking lot environment.

25.9 COURTS and WINDOWS: In addition to the setback requirements specified in Section 25.4, the windows of rooms used for human occupancy in a dwelling containing two [2] or more dwelling units shall open onto yards, setback areas, courts or other open spaces. The least horizontal dimension of any court between opposing walls shall be not less than twice the average height of such opposing walls. In the case of a court formed by walls on three sides and open on the forth side, this distance between the open and the opposite wall shall not exceed the distance between the other two walls, unless such latter distance is greater than 50 feet. On any lot, no window in one dwelling unit shall face a window of another dwelling unit at a distance of less than 25 feet. On any lot, no dwelling shall be nearer to another dwelling than the average height of such dwelling.

25.10 SETBACKS FROM WATER BODIES, WATER COURSES and WETLANDS: If any building, structure, driveway, outside storage area, patio or terrace is to be located and/or land is to be filled, developed or otherwise put to any use, other than its natural state, within

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50 feet of any stream, water course, water body or wetland area, a specific permit, authorizing such activity or encroachment may be required from the Town's Inland Wetland and/or Flood and Erosion and/or such other State and Local agencies as may be applicable, prior to the approval by the Zoning Official. Approved docks, landings and/or boat houses are exempt from this setback requirement, but are subject to formal approvals by any/all of the aforementioned agencies.

25.11 MINIMUM SETBACKS from TIDAL WETLANDS: In any zone, including the **minimum setback** from any **Tidal Wetlands** shall be as determined by the applicable state, local, or Federal Agency, but shall be a minimum of **25 feet.** This minimum setback may be increased to **50 feet** upon the discretion of the Commission and/or its staff and there shall be no construction and/or development, and/or land disturbance such as grading, filling, cutting or the removal of native vegetation within this setback area.

25.12 OTHER BUILDINGS and STRUCTURES: Buildings and other structures not addressed earlier in this section, including tool sheds, greenhouses, pool houses, wood sheds ~~and similar~~and similar structures, for the use of the occupants of the lot are permitted, provided that:

a. The accessory building or structure **is not** within the minimum setback area detailed in Sections 25.10 and/or 25.11. ~~25.10a and/or 25.10b~~

b. The accessory building or structure shall not exceed 300 square feet.

c. The accessory building or structure shall not exceed a height of fifteen [15] feet.

d. Ground mounted satellite dishes or disc type antennae shall not exceed a height of 16 feet and shall be fully screened from view from any adjacent property line and/or a street line at all times. Roof top satellite dishes over a height of **4 feet** from its roof mounting to its highest point are prohibited.

e. Ground mounted solar panels shall not exceed a height of 16 feet and shall be fully screened from any adjacent property line and street lines at all times.

~~**e.**~~**f.** All accessory buildings shall be included within the calculation of Maximum Lot Coverage with Schedule B.

25. 13~~10.1~~ Other Limitations and Restrictions:

a. No accessory building or structure shall include any use or activity conducted for gain or for profit, except as otherwise expressly permitted herein.

b. The use of any accessory structure for human habitation is strictly prohibited.

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c. No mechanized construction equipment shall be stored on any residential premises.

d. No part of a lot located in a Residence District shall be used for access to any use that is not permitted in such District.

25.14 MOTOR VEHICLES IN RESIDENCE ZONES:

~~25.11.1~~25.14.1 Except as may be otherwise provided for in these Regulations, not more than one [1] registered, commercial vehicle, having a gross vehicle weight of 6,000 pounds [as provided for by the rating in accordance with the standards of the Connecticut Department of Motor Vehicles for a gross weight of a vehicle] and excluding tow and flatbed trucks shall be stored or parked consistently on any residential lot, and:

~~25.11.2~~25.14.2 That the aforesaid registered, commercial vehicle shall be owned by the resident or owner of the lot upon which said vehicle is being parked or stored.

25.14.3 Except as may be otherwise provided for in these ~~Regulations,~~ Regulations, no ~~not more than one~~ unregistered motor vehicles shall be parked, stored or located on any residential lot. ~~and provided that said vehicle is not stored in any front yard, or in a required setback area of the lot and that the vehicle is covered by an approved cover made and intended for vehicle storage or protection.~~

25. 15 SPECIAL REGULATIONS FOR RESIDENTIAL ENTERPRISE DISTRICT (RE)

1. There shall be no business-related activities outside of the principal building.

2. There shall be no business-related activity in accessory buildings except storage.

3. Retail on-site sales shall be prohibited.

4. Services which require clients or customers to physically visit the place of business are not permitted.

5. No parking facilities shall be installed in the front yard, other than a conventional residential driveway.

6. All parking areas for business shall be setback a minimum of ten (10) feet from the right-of-way lines and property lines.

7. Shared parking vehicular acess to the street for more than one lot shall be required, if the Commission determines that is feasible. This can be accomplished in one of the following ways as appropriate to the situation:

    a. A driveway that would provide acces to two or more adjacent properties can be constructed, with the proper easements granted.

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b. An easement can be granted along an existing driveway on the subject property and/or other areas of the subject lot to permit current or future acess to the rear of an adjacent property.

c. An easement can be provided along the boundary of the subject property at half the required driveway width for eventual use on which would serve to minimize the number of access points to the public road.

8. All parking areas shall be visually screened form the public right-of-way, through landscaping. Landscaping shall consist of native plantings with a minimum height of 30'.

9. The use of existing residential dwellings is preferred. Any new building construction shall be in conformance with required setbacks in Schedule B.

10. All new construction shall be compatible with neighboring residential structures, both in design, scale, and ornamental features.

11. A maximum of one dwelling unit shall be permitted in a structure also used for business purposes.

12. The shipment of materials supplies, and goods shall be limited to the occasional deliver/pick up by automobile or small two axel truck.

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SCHEDULE B – Bulk Standards

STANDARDS	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	CA-1	CA-2	CB-1	CB-2	CC	CD	LI-1	LI-2	LI-3	S-1	DRA-1
# 1 Min. lot area (SqFt)	7,200	12,800	20,000	25,000	40,000	20,000	20,000	5,000	20,000	5,000	20,000	20,000	20,000	20,000	40,000	80,000	12,800	20,000
# 2 Min. lot area per dwelling unit (SqFt)	7,200	12,800	20,000	25,000	40,000	4,300	2,500	2,500	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,600	7,000
# 2a Min. lot area per 2 Bedroom dwelling unit	N/A	N/A	N/A	N/A	N/A	3,000	1,700	1,200	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,600	4,500
# 2b Min. lot area per 1 bedroom dwelling unit	N/A	N/A	N/A	N/A	N/A	1,600	1,200	1,200	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,600	4,000
# 2c Min. lot area per efficiency dwelling unit	N/A	N/A	N/A	N/A	N/A	1,000	800	800	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,600	4,000
# 3 Min. dimension of square on the lot	60	80	100	125	200	100	100	50	100	50	100	100	100	100	150	200	80	100
# 4 Min. lot frontage (ft)	60	80	100	125	175	100	100	50	50	50	50	50	100	50	50	50	80	100
# 5 Max. # of stories for a building	3	3	3	3	3	3	10	NONE	3	4	3	NONE	3	NONE	NONE	NONE	3	3
# 6 Max. height of a building/structure (ft)	40*	40*	40*	40*	40*	40	100	60	40	60	40	60	40	60	60	40	40	40
# 7 Min. setback from street line (ft)	25	25	25	40	40	25	25	NONE	25	16	25	25	40	25	50	50	25	25
# 8 Min. setback from rear property line (ft)	20	25	30	40	40	25	25	NONE	10	10	10	10	20	12	20	25	30	25
# 9 Min. setback from side property line (ft)	10	15	20	25	25	15	15	NONE	10	10	10	10	20	12	20	25	20	15
# 10 Min. setback from residence district boundary line (ft)	NONE	NONE	NONE	NONE	NONE	NONE	NONE	25	25	25	25	25	40	50	50	100	NONE	NONE
# 11 Max. lot coverage (% of lot area)	25	25	20	20	15	20	20	100	50	50	50	50	30	50	40	30	25	20
# 12 Max. floor area (% of lot area)	50	50	40	40	30	40	40	200	100	100	100	100	50	100	80	50	50	40
# 13 Min. floor area per dwelling (sq ft)	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900	900
# 14 Min. floor area per dwelling unit (sq ft)	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500	500
# 14a Min. floor area per efficiency dwelling unit (sq ft)	N/A	N/A	N/A	N/A	N/A	N/A	360	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	360	360

* LINE 6: MAXIMUM HEIGHT IS 40 FEET HOWEVER, A HEIGHT IN EXCESS OF 30 FEET REQUIRES ADDITIONAL SETBACK DISTANCES. REFER TO SECTION 25.4.3 OF THE ZONING REGULATIONS.

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SECTION 26: PLANNED DEVELOPMENT DISTRICTS

26.1 PURPOSE: Planned Development Districts may be established by the Commission within the Shoreline Development Area, delineated on the Zoning Map, and in accordance with the procedures hereinafter specified. A Planned Development District may be established by the Commission when found necessary and appropriate for the following purposes:

26.1.1 To allow tracts of land to be developed, redeveloped and improved as integrated and harmonious design units of stable character, consistent with the character of the Town and the long range improvement of the neighborhood and consistent with a comprehensive plan of development adopted by the Commission for the Shoreline Development area, when such tracts are of sufficient size to accommodate such design units and when another zoning district could not be appropriately established to accomplish such purposes.

26.1.2 To allow the use of land, buildings or other structures for purposes that would be beneficial to, and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with any comprehensive plan of development adopted by the Commission for the Shoreline Development area, when such uses are located on tracts of sufficient size to accommodate integrated and harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accommodate such purposes.

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

26.2.1 Statement: A Development Plan for the proposed development including the particular provisions of these Regulations which are proposed to be applicable or inapplicable within the District and the special or additional provisions which are proposed to be applicable to the use of land, buildings and other structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas, water courses, areas of wetlands, storm drainage, sewage disposal facilities, water supply facilities and landscaping. Ten copies of said statement shall be submitted.

26.2.2 Development Plans: A development plan for the proposed development, including site plans, architectural plans, and other drawings as may be relevant, in sufficient detail to show the precise boundaries of the proposed district and the character and location of existing and proposed contours, uses, buildings and other structures, signs, outdoor illumination, streets, driveways, off-street parking and loading spaces, outside storage areas, water courses, areas of wetlands, storm drainage, sewage disposal facilities, water supply facilities and landscaping; Four [4] copies of said plans shall be submitted.

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26.2.3 Associated fees: In addition to any other applicable fees, a petition fee of $ 750.00 will be submitted.

26.2.4 Procedure and Findings: Only after receipt of a complete petition for a Planned Development District, the Commission may hold meetings with the petitioner, and/or request additional information from same. The Commission shall then hold Public Hearings on the petition, in the same manner and with the same notice as required for a zone change and/or an amendment to these Regulations. The Commission may adopt the Planned Development District, thereby amending these Regulations and the Zoning Map to reflect this change; only after the Commission makes the following findings in addition to other findings necessary for amendment of these Regulations:

26.2.4.1 The Planned Development District and the standards and development plan therein will accomplish the purposes set forth in paragraph 26.1.2.

26.2.4.2 The Planned Development District and the standards and development plan applicable therein will be consistent with a comprehensive plan of development, adopted by the Commission for the Shoreline Development Area and will be in accord with the comprehensive plan of zoning.

26.2.4.3 Another zoning district could not be appropriately established to accomplish these purposes…and

26.2.4.4 The Planned Development District encompasses a tract of land of not less than two [2] acres.

If the Planned Development District is adopted by the Commission, notice of such adoption shall be given as required for an amendment of these Regulations, and the Planned Development District, appropriately numbered, shall be shown on the Zoning Map. Before or after the adoption of the P.P.D. , and prior to the approval of any application for a zoning permit by the Zoning Inspector, the Commission may require the petitioner to submit "detailed specifications" for all or some of the particular aspects of the proposed development, in order that such specifications may be reviewed and may be consistent with the standards and development plan, and are made a part of the conditions under which an application for a Zoning Permit is approved.

26.3 ADDITIONAL LIMITATIONS: Adoption of a Planned Development District by the Commission shall constitute authorization to establish the uses, buildings, structures and site development in accordance with the standards and development plan adopted by the Commission for the district and, in accordance with detailed development authorized by the District shall be completed within five [5] years from the effective date of the District, except that the Commission may extend the time for completion for one [1] year periods after a public hearing, for "good cause" is shown; otherwise, the Commission shall be deemed to be authorized by the owner or owners of land within the district to amend these Regulations and the Zoning Map and establish for such land the previous or another zoning district.

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SECTION 27: PLANNED ELDERLY FACILITIES DISTRICTS [P.E.F.D.]*(amended 7/13/2009)*

27.1 PURPOSE: Planned Elderly Facilities Districts may be established by the Commission within any Residence, R-1 R-2, R-3 District **and LI-2 District (as of 7/13/2009)** in accordance with the procedures, standards and conditions herein specified when necessary and appropriate for the following purpose:

27.1.1 To permit tracts of land to be developed, redeveloped and improved as design units with a broad range of specialized facilities for the elderly, including housing specifically designed for, and occupied by elderly persons, geriatric or convalescent care facilities, social and recreation facilities and other associated uses, including non-residential uses that are designed to serve the residents of the development; but excluding Assisted Living Facilities, as described in section 28 of these Regulations; and when such tracts are of sufficient size to accommodate such design units in a manner consistent with the character of the Town and the long range improvement of the neighborhood, and when significant common open space is provided and/or natural features of the terrain are preserved and retained.

27.2 PRE-SUBMISSION CONSIDERATION: The Commission recommends that prior to the submission of a formal petition for the establishment of a Planed Elderly Facilities District, the petitioner review with the Commission and/or its staff, in a preliminary and informal manner, any proposal for a P.E.F.D. The Commission recommends that four [4] copies of preliminary plans be submitted, meeting the basic requirements for general development under section 27.4.2 of these Regulations, together with such additional information that may be necessary to possibly render a "non-binding" opinion by the Commission.

27.3 STANDARDS: Planned Elderly Facilities Developments shall conform to the following standards and requirements:

27.3.1 Site Area, Shape and Characteristics: The site for a Planned Elderly Facility shall contain a minimum of five [5] acres of "generally buildable" land with suitable soils, topography and other natural features. Ponds, marshes and wetland areas shall not be used for more than ten [10] percent of the site area, for purposes of computing allowable density. Natural features of the land shall be retained when reasonably possible. Each site shall have a minimum frontage of 50 feet on a street, and be of such a shape that a square, with a minimum dimension of 300 feet will fit on the site.

27.3.2 Density: The total number of dwelling units in a Planned Elderly Facility shall be determined as follows:

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27.3.2.2 For sites having an area from five [5] to twenty five [25] acres, the minimum lot area, per dwelling unit shall be as follows:

Efficiency units:	2,500 sq. ft. per dwelling unit
One bedroom units:	3,000 sq. ft. per dwelling unit
Other dwelling units:	4,000 sq. ft. per dwelling unit

27.3.2.3 For sites having an area of 26 to 50 acres, the minimum lot area per dwelling unit shall be as follows:

Efficiency units:	2,000 sq. ft. per dwelling unit
One bedroom units:	2,500 sq. ft. per dwelling unit
Other dwelling units:	3,000 sq. ft. per dwelling unit

27.3.2.4 For sites having an area of 51 acres or more, the minimum lot area per dwelling unit shall be as follows:

Efficiency units:	1,200 sq. ft. per dwelling unit
One bedroom units:	1,700 sq. ft. per dwelling unit
Other dwelling units:	2,500 sq. ft. per dwelling unit

27.3.3 Setbacks: Buildings and other structures may extend to within 30 feet of any street or property line, except that any portion of a building or other structure exceeding 30 feet in height shall be set back from any property or street line by one [1] additional foot for each foot, or fraction thereof by which such portion exceeds 30 feet in height.

27.3.4 Building Bulk and Coverage:

27.3.4.1 Maximum floor area as percent of Site Area:

Sites 5 to 25 acres in size:	20 percent
Sites 26 to 50 acres in size:	15 percent
Sites 51 acres or more in size:	10 percent

27.3.4.2 Maximum lot coverage as a percent of the Lot area

Area of a site 5 to 25 acres:	10 percent
Area of a site 26 acres or more:	8 percent

27.3.4.3 Where the tract of land is sixty (60) acres or more, and where the proposed development consists of three (3) stories or less, the **maximum lot coverage** allowed may increase to **twenty (20) percent** and the **maximum floor area** may increase to **forty (40) percent.** The increase in coverage and floor area is to discourage multiple story elderly housing above three (3) stories.

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The limits on total floor area shall not apply to areas in, or on a building used for off-street parking or loading spaces when such floor area does not exceed 10 percent of the area of the site, or is located inside the downward extension of the perimeter walls of the building to which the spaces are accessory. The limitations on total floor area as applied to dwellings containing two [2] or more dwelling units may be increased by 10 percent of the area of the site, or fraction thereof, by which the aggregate ground coverage of such dwelling is reduced below the maximum ground coverage specified in Schedule B.

27.3.5 Height: In appropriate locations, as approved by the Commission, buildings and other structures may extend to a maximum height of 15 stories, or 120 feet; whichever is lesser.

27.3.6 Permitted Uses: Any site in an approved Planned Elderly Facilities District shall be used only for specialized facilities for the elderly, including housing, geriatric and convalescent care facilities for the elderly and accessory structures as well as home/office and customary home occupations as specified in Schedule A of these Regulations. In addition, certain non-residential uses as set forth in section 27.3.7 may be permitted as supporting facilities.

27.3.7 Supporting Facilities: Certain supporting facilities related to the principal use are permitted to serve the needs of the elderly residents. These include recreational and social facilities such as tennis courts, swimming pools, walking and cycling trails, arts and craft centers, meeting rooms, administrative offices, storage facilities and trash removal facilities. Service facilities to the extent required to serve the needs of sizeable, elderly residential development are also permitted, dependent upon overall size and location. An elderly housing facility designed to accommodate 200 or more dwelling units may provide an area for limited, retail store use, primarily for the service and convenience of it's residents, subject to the approval of the Commission for each proposed commercial use. The total area of such commercial space shall not exceed 20 square feet of gross floor area per dwelling unit. Such commercial use shall not be authorized until substantial, actual construction of the equivalent number of residential units has begun.

27.3.8 Utilities: All Planned Elderly Facilities shall be served by municipal sanitary sewers and public water supply. All utilities including, but not limited to, electric, telephone, gas, water and sanitary sewers shall be located underground.

27.3.9 Site Design: The site plan and architectural design of buildings and other structures shall of such character as to avoid undue traffic congestion on any street, to harmonize with the neighborhood, accomplish a transition in character between areas of unlike character, protect property values, and preserve and enhance the appearance and beauty of the community. Interior streets and drives shall be designed to

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minimize through traffic, reduce traffic speeds and provide for adequate circulation within the development and to its supporting facilities, open spaces, etc. Pedestrian paths shall be provided between structures and supporting facilities and shall be separated, whenever possible, from vehicular traffic. Site layout and architectural design shall take advantage of topography and other physical features. Buildings and other structures shall be located so as not to obstruct views from within the building, nor to obstruct such views from other buildings. Consistency of scale and architectural design shall be maintained throughout the development.

27.3.10 Open Space: All proposed open space areas shall be delineated to establish use and controls as appropriate, and labeled in a manner approved by the Commission to indicate that the land is not to be used for building purposes. Dwellings shall be provided with suitable, usable outdoor open space areas having an aggregate area of not less than 150 square feet per dwelling unit. The area so set aside shall be properly arranged, graded and landscaped for recreational purposes and may contain improvements such as tennis courts, swimming pools and other appropriate facilities. The method of preservation of the open space lands shall be subject to the approval of the Commission. The method may include, but is not limited to, one of the following:

27.3.10.1 Establishment of a private association to own and maintain the land for open space purposes intended.

27.3.10.2 Offer, and transfer of the land to the Town of East Haven, subject to agreement by the Town of East Haven to accept the land.

27.3.10.3 Transfer of the land to an institution, person, organization or other entity to own and maintain the land for open space purposes intended.

27.3.11 Parking: Off-street parking spaces shall be provided as required by section 42 of these Regulations. Permitted supporting facility uses shall be provided with at least one

27.3.11.1 **O**ff-street parking space for each 400 square feet of floor area. All parking facilities shall be designed as an integral part of the overall site design, properly arranged to prevent undue concentrations of parking facilities, attractively landscaped through ample use of trees, shrubs, hedges, walls, fences and concrete curbing.

27.3.12 Landscaping: All portions of the site shall either be undisturbed natural terrain or shall be suitably landscaped with trees, shrubs, lawns and other landscape features. All new trees shall have a minimum caliper of three [3] inches; of which, at least 30 percent of which shall be evergreen trees. Parking areas shall contain, evenly distributed, landscaped areas that are protected by solid concrete curbing every tenth [10th] space in a row of parking spaces. Parking areas shall be suitably

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screened from streets, adjoining properties, refuse disposal locations and recreational areas as required

27.3.13 Streets and Drives: Major access streets, whether private, or proposed to be dedicated as a public street, shall be constructed to the minimum Town road standards with concrete sidewalks and curbing. Interior driveways shall have a paved roadway width of at least 12 feet for one-way travel and at least 22 feet for two directional travel with no parallel parking allowed.

27.3.14 Other Improvements: Concrete sidewalks having a minimum width of five [5] feet shall be provided between all buildings and parking areas, streets and drives. Appropriate exterior lighting shall be designed and provided at building entrances, along walkways, in parking areas, at all access points to streets and such other locations as may be required for the safety of vehicular and pedestrian traffic. Suitable, screened areas and facilities shall be provided for the adequate reduction, collection and disposal of refuse. All laundry and clothes drying facilities shall be contained within a structure. All signs shall be designed as part of the overall design concept and shall meet the requirements of these Regulations for signs in Residential Districts. In addition, for supporting facility uses, one [1] commercial sign, not exceeding 16 square feet in area shall be permitted for each approved use.

27.3.15 Professional Standards: All maps, plans and technical drawings shall be designated by, and bear the seal of a qualified, licensed professional engineer, architect, landscape architect and/or surveyor. All site and landscape plans shall be designed by a registered landscape architect, architect or civil engineer; all structures, intended primarily for human occupancy, shall be designed by a registered architect; all boundary surveys and property maps shall be prepared by a registered land surveyor; all engineering design road and utility plans and sanitary sewerage facilities designs shall be prepared by a registered civil engineer.

27.4 SUBMISSION: A petition for the establishment of a Planned Elderly Facilities District shall conform to the standards set forth in section 27.3, and shall be submitted to the Commission, in writing, shall be signed by the owner or owners of all the parcels within the proposed district and shall be accompanied by the following:

27.4.1 Statement: A written statement, in 12 copies, relative to the nature of existing development around the proposed District, the concepts relating to open space proposals and their preservation, a description of the types of proposed uses, types of dwelling units, proposed ownership and design features.

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27.4.2 General Development Plan: A complete, general development plan for the proposed development, in 12 copies shall be submitted. As appropriate, and where applicable, plans shall be prepared and certified by an architect licensed to practice in the State of Connecticut. Where possible, maps should be drawn at a minimum scale of 1" = 40'; but in no case, less than 1" = 100', and showing the information required below:

27.4.2.1 Property Map: A map showing the location, size of the property of the proposed development with an accuracy meeting, or exceeding the standards for a "Class A-2 Transit Survey", as defined by the Connecticut Technical Council, Inc.; which map is to show the precise boundaries of the proposed district, as well as any existing zoning boundaries, the adjoining properties within 500 feet of the proposed district and the names of the owners of such properties as appear on the latest records in the Office of the Assessor.

27.4.2.2 Existing Conditions Map: A separate map, showing the existing conditions, including existing structures by their use, topography, vegetation, significant natural features and the boundaries of any officially designate area of wetlands.

27.4.2.3 Land Use Plan: A preliminary plan of proposed land uses in the proposed development and acreage of each use, as well as existing and future land uses in the surrounding area.

27.4.2.4 Site development Plan: A preliminary plan showing the location of proposed buildings and structures, roads and parking and other paved areas, walkways, recreational facilities, open space areas and limits of proposed development stages; and including a tabulation of the required standards and the design standards used.

27.4.2.5 Grading and Utilities Plan: A separate, preliminary plan of proposed grading and a schematic layout of proposed storm drainage and utility systems, including water supply, sanitary sewers, electric, telephone, gas and other utilities shall be placed underground.

27.4.2.6 Landscaping Plan: A preliminary plan of existing and proposed landscaping treatment, including major tree areas, water bodies, treatment of open space areas, screening, existing and proposed topography, location of lighting fixtures, hydrants and the location of signs.

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27.4.2.7 Architectural Plans: Preliminary, generalized floor plans, exterior elevations, perspective drawings and descriptive information on the number and size of the units, rooms per unit, types of building materials and specific exterior materials and finishes to be used.

27.4.2.8 Reports: A preliminary report in six [6] copies showing the proposed method of handling sewage disposal, water supply, storm water discharge; including capacity of water courses, volume of additional discharge, improvements needed and design basis, protected development scheduling and contemplated financing program.

27.4.2.9 Additional Information: Any additional information which the Commission may reasonably require or the applicant may wish to submit, including information on traffic, soil conditions, marketability, environmental impact, project model, proposed covenants, easements, deeds, etc.

27.4.3 Fees: A petition fee of $ 610.00 shall accompany any petition submitted under this section. The Commission may vote to waive said submission fee for a petition submitted by the Town of East Haven, or by the local Housing Authority.

27.5 PROCEDURES: After receipt of a petition for the establishment of a Planned Elderly Facilities District, the Commission and it's staff shall review the petition for completeness and, during this review, may confer with the petitioner and request additional information. Copies of the applicable plans and reports will be referred to the appropriate Town Departments, such as the Engineering, Building, Police and Fire Departments, etc. The Commission shall then hold a Public Hearing on the petition in the same manner, and with the same notice as is required for an amendment of these Regulations. The Commission may request the following information for presentation to, or at the Public Hearing:

27.5.1 Sanitary Sewerage: Evidence from the Sewer Commission that sewers are available to the project for tie-in and that the sewer lines, sewage treatment plant and related appurtenances have the capacity for the projected volumes.

27.5.2 Solid Waste: Evidence from the Regional Health District Director on the adequacy of solid waste disposal and, if no public sewers are available, the adequacy of a private sewage disposal system.

27.5.3 Traffic: Evidence that the proposal will not cause any undue traffic hazards.

27.5.4 Fire Protection: A statement from the Fire Marshall that the proposal meets the Fire Safety Standards and the firefighting feasibility of the proposed plan is adequate.

27.5.5 Public Works: Evidence from the Town Engineer with reference to the adequacy of

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the basic drainage system; the public or private street design; and the design of elements to be served by the Public Services Department of the Town.

27.5.6 Other Information: Statements, studies or analyses from any other municipal department or advisory committee whose opinion is deemed appropriate by the Commission.

27.6 ACTION: Within 65 days after the close of the Public Hearing, unless such time is extended upon written consent of the petitioner; the Commission may give approval to the General Development Plan, or approval subject to modifications. The Commission shall, simultaneously deny or adopt, with or without modifications, the Planned Elderly Facilities District, thereby amending the zoning map, only after making certain findings necessary for the amendment of these Regulations. Approval of the General Development Plan and the adoption of the Planned Elderly Facilities District does not constitute final approval of the proposed development; but does authorize the submission of an application for Final Approval of the development. Notice of the adoption of the Planned Elderly Facilities District shall be given as required for the amendment of these Regulations and Map, and a copy of the statement, General Development Plan and the Commission's Resolution of Adoption shall be filed, by the applicant, in the Offices of the Town Clerk. The time limits for action by the Commission, set forth above, are directory only; and the failure of the Commission to act within the time specified does not constitute an automatic approval and shall not preclude the Commission from taking such action at any time thereafter, and said action when taken shall have the same force and effect as if taken within the time specified.

27.7 FINAL SUBMISSION: Within one [1] year of the date of the Commission's approval of the General Development Plan, the applicant shall submit an Application for Final Approval for the entire proposed development, or a stage thereof, in accordance with the approved General Development Plan. The scope of any stage encompassed by an Application for Final Approval may be reduced in size with the approval of the Commission; but the minimum amount of land to be included within any single stage shall be five [5] acres.

Each stage must encompass a logical area of development and proper divisions must be made for supporting facilities. Each stage shall conform to the standards of this Section and each shall be succeeding stages. Application for Final Approval of each subsequent stage of development shall be submitted within one [1] year of the date of the approval of the last stage, except the time limits for submission of each subsequent stage may be extended upon written request of the applicant and acceptance by the Commission. If the applicant should abandon all or a part or parts of the General Development Plan, or fails to submit an application for final approval within the prescribed time allowed, or any approved extension thereof, the General Development Plan shall automatically become null and void, and the Commission shall be deemed authorized by the owner or owners of the land within the Planned Elderly Facilities District to amend these Regulations and Zoning Map, deleting all, or part of said District; and establishing, for such area, the provisions of the previous or another Zoning District.

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27.8 APPLICATION for FINAL APPROVAL: The application for final approval shall cover all, or a portion of, the adopted Planned Elderly Facilities District and shall be in accordance with the General Development Plan as approved by the Commission. The application shall be submitted in a form prescribed by the Commission in six [6] copies and, shall include, but not be limited to the following:

27.8.1 Statement: A written statement, setting forth the relationship of the Application to the previously approved General Development Plan, identifying what differences, if any exist; and what changes were made to comply with any conditions of approval. Said statement shall contain a proposed time schedule for carrying out the entire plan as well as updated and additional information relative to the financing plans and proposals. At the request of the Commission, additional information concerning the financial ability of the applicant to carry out and complete the proposed stage of development may be required.

27.8.2 Detailed Development Plans: Detailed Development Plans shall be submitted in conformance with, and including all the information required by the approved General Development Plan. Any plans for stage [phase] completion shall reflect all stages of development completed and/or approved as of the date of submission and shall show those features and elements beyond the limits of this stage that are to be completed as part of this stage in order to assure a complete, self-sufficient existence without the completion of the remaining stages. Maps should be drawn at a minimum scale of 1" to 40' and shall include at least the following:

27.8.2.1 Site Plan: A detailed plan of all site plan proposals showing the layout of all buildings, drives, parking areas, walkways, recreational facilities and other pertinent elements, and including a tabulation of the required standards and the design standards used.

27.8.2.2 Engineering Plans: Plans presenting detailed engineering designs and information supporting all the engineering elements of the site improvements, including proposed drives, parking areas, grading, drainage, sewers, water supply, utilities and other improvements.

27.8.2.3 Landscaping Plans: Plans showing all proposed areas to be planted and landscaped, types of plantings by common & botanical names, size and location. Any areas to be maintained by someone other than the Applicant shall be so designated. Topography and other natural features shall be shown to the extent they are significant to the landscaping treatment. Locations of signs and lighting fixtures shall be indicated.

27.8.2.4 Architectural Plans: Drawings of all proposed buildings shall be submitted, including floor plans of all levels; elevations of all sides of all structures, including accessory buildings, perspective drawings and

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renderings to the extent necessary to portray building designs and relationships, and general specifications of types of construction proposed, including exterior materials and finishes.

27.8.2.5 Other documents: Any other plans, reports or documents required as part of the approval of the General Development Plan, copies of restrictive covenants, easements, deeds to open space areas and such additional information as the Commission may request, concerning use, control, maintenance and liability relative to all open space areas and common facilities.

27.8.2.5 Fees: A fee of $ 50.00 and, for residential developments, an additional fee of $ 2.00 per each dwelling unit. The Commission may vote to waive the fee for any Application submitted by the Town of East Haven, or by the local Housing Authority.

27.9 **APPROVAL:** Upon receipt of an application for Final Approval, the Commission shall determine the completeness of the application. Within 65 days of the receipt of a complete application, the Commission shall approve, modify and approve, or disapprove the Application. The applicant may consent, in writing, to any extension of time for action.

Failure of the Commission to so act within the 65 day period, or any lawful extension thereof, shall be considered as an approval; and a certificate to that effect, approving the Application for Final Approval as submitted, shall be issued by the Commission within 30 days after the 65 day period for action.

The grounds for disapproval shall be stated by the Commission for its records. The Application may be approved only after the Commission makes the following findings:

27.9.1 The Detailed Development Plan meets the standards set forth in this Section.

27.9.2 The Detailed Development Plan is consistent with the approved General Development Plan.

27.9.3 The proposed streets and drives are suitable and adequate to accommodate the projected traffic volumes and the Town's street system will not be overburdened.

27.9.4 The proposed utility systems, sanitary sewers and storm drainage facilities are adequate to accommodate projected demands and the facilities servicing the neighborhood will not be overburdened.

27.9.5 The proposal, as contained in the Detailed Development Plan will conform to all Federal, State and local requirements and will have no adverse effect on the environment.

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27.9.6 The application contains workable proposals which, when implemented, will adequately provide for the maintenance, use and enjoyment of all recreational areas, open spaces and other public or common areas.

27.9.7 The proposed development schedule and financing proposals will enable completion of the proposed development in a satisfactory and timely fashion.

The modified and approved or disproved Application shall be revised and re-submitted within six [6] months or any extension thereof that is granted by the Commission for cause shown. If the applicant fails to re-submit within the prescribed time allowed, the General Development Plan shall become null and void, and the Commission shall be deemed authorized by the owner or owners of land within the Planned Elderly Facilities District to amend these Regulations and the Zoning Map, deleting all or part of said District and establishing for such area the provisions of the previous or another Zoning District.

27.10 PERFORMANCE BOND: The applicant shall file with the Commission, a performance bond, in form, amount and surety approved by the Commission, to guarantee the faithful performance of all site improvement work required by the approved application within a specified period but not less than two [2] years from the date of the approval of the Application for Final Approval.

27.11 APPLIANT NOTIFICATION: Within 15 days of its decision, the applicant shall be notified by the Commission, in writing, by certified mail, setting forth the conditions of approval; the modifications required [if any] or the reasons for disapproval . Upon final approval, after all conditions of approval have been satisfied and the performance bond has been filed, the Commission Chairman shall be authorized to endorse the Detailed Development Plan.

27.12 FAILURE TO PROCEED: If the applicant fails to commence and proceed with the actual construction within six [6] months of the date of the endorsement of approval of the Detailed Development Plan, or within any time extension granted in writing by the Commission, the approval of the Application for Final Approval shall become null and void.

27.13 CHANGES AFTER APPROVAL: Any proposal or required changes in the approved Detailed Development Plan shall be submitted to the Commission for review and action prior to implementation of such changes. Minor revisions, which do not increase the intensity of the development; number of dwelling units; number of bedrooms; or which do not decrease the amount of open space or alter other conditions imposed by the Commission, may be approved by simple resolution of said Commission.

Major changes that increase the density of development; the dwelling unit density; increase the bedroom count; decrease open space areas, or alter or significantly change the approved Detailed Development Plan, will require the submission of a revised Application for Final Approval, which shall be processed in accordance with these Regulations.

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27.13 VIOLATIONS: Failure to comply with any of the terms, conditions, restrictions or requirements of the Detailed Development Plan, or any other documents and provisions in connection with an approved application for Final Approval shall constitute a violation, whereby the Commission is empowered to revoke such approval. Notice of such action shall be sent to the applicant within five [5] days of such action by the Commission. During the construction period, the zoning enforcement officer shall periodically review progress, compare it with the projected time schedule and report his findings to the Commission. If the Commission determines any substantial and undesirable deviations from the timetable relative to the establishment of open space areas, or provisions of public or common facilities, it shall order, in writing, compliance. The Commission is also empowered to suspend further construction in other areas until necessary compliance is achieved.

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SECTION 28: PLANNED ELDERLY ASSISTED LIVING DISTRICT

28.1 PLANNED ELDERLY ASSISTED LIVING DISTRICT, DEFINED: A Planned Elderly Assisted Living District is a district; created to accommodate a facility designed to provide limited medical and/or daily supplemental care to elderly tenants who, due to age and/or physical limitations require certain levels of managed, supplemental care in a semi-independent, dignified, residential campus setting.

28.1.1 Accessory, Non-Assisted Living Units: In any Planned Elderly Assisted Living District, a limited number of optional, separate non-assisted residential, elderly housing units may be created as an accessory use to the aforesaid primary use of an Assisted Living Facility at a ratio not to exceed: one unit of elderly, non-assisted living for each three units dedicated to elderly assisted living; and only one non-assisted living unit for each 10 non-assisted living units created can be a two bedroom unit; with the remaining 9 units having only one bedroom.

28.2 DEFINITIONS: For the purpose of this section, the following words, phrases and terms shall have the following meanings:

28.2.1 Elderly tenant, assisted living type unit: means a tenant and/or occupant who is 55 years old, or older.

28.2.2 Elderly tenant, non-assisted living type unit: means tenants and/or occupants, one of which occupants of said unit must be at least 60 years of age, and no tenant and/or occupant being less than 52 years of age.

28.2.3 In any unit designed for "non-assisted" living, there shall be no more than 2 permanent tenants or occupants.

28.2.4 Dedicated Facility: Any Elderly Assisted Living Facility approved under this section is intended to be a facility designed and dedicated to the long term, continual care of elderly tenants who are in need of personal assistance and a degree of medical care generally predicated on, or resulting from the tenants age and inability to care for themselves, as opposed to the short-term rehabilitation and care provided by a convalescent facility.

28.2.5 Special Dedicated Facility: An Elderly Assisted Living Facility that is wholly, or in part, dedicated to elderly tenants [as defined] that require or possess unique and/or specialized needs for a specific and/or particular problem, and as stipulated in the applicant's "Statement of Use".

28.2.6 Assisted Living Services: are defined as nursing and other personal services, assisted with aides to provide daily care to clients and/or tenants living within a managed group living environment, along with certain support, recreational and transportation services, including [but not limited to] dietary care, communal dining,

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meeting rooms and other appropriate facilities and/or services to serve all of the residents of the facility.

28.2.7 Non-Assisted Units: are conventional apartment units, subordinate and accessory to an Assisted Living Care Facility restricted by age.

28.3 INTENT: To permit certain tracts of land in excess of 10 acres to be developed and/or re-developed and/or improved in order to create "assisted living" units, combined with a broad range of specialized facilities to provide assisted living services in the form of a managed residential community to the elderly. All assisted living facilities approved under this section shall comply with State Health Department Regulations regarding Assisted Living, approved in 1994, and shall notify and comply with the Department of Public Health and the Division of Health Systems Regulations.

An Elderly Assisted Living Facility approved under this section may also include a limited number of non-assisted residential units of elderly housing, geriatric and continuing care facilities for the elderly.

An Elderly Assisted Living Facility approved under this section shall also have tracts of land of sufficient size to accommodate such design units in a manner consistent with the Town of East Haven, and the long range improvement of the neighborhood; and where significant common open-space is provided and the natural features of the site's terrain are preserved and retained.

28.4 PROCEDURES: Any applicant proposing to create a Planned Elderly Assisted Living District in any existing Residential [R], Planned Development [P.D.D.] or Planned Elderly Facility [P.E.F.D] District on a site of 10 acres or more, shall follow the procedures required for a Zone Change under Chapter 124, section 8-3 of the Connecticut General Statutes and the procedures of the Planning and Zoning Commission, Town of East Haven.

Upon the successful approval of a Zone Change to establish a Planned Elderly Assisted Living Facilities District, the applicant shall then petition the aforesaid Planning & Zoning Commission for a Special Exception, and Site Plan Approval, in accordance with Chapter 124, section 8-3c of the Connecticut General Statutes and sections 33 and 64 of the Zoning Regulations of the Town of East Haven.

Notwithstanding the provisions of this section, in the event that, after successfully obtaining a Zone Change to create a Planned Elderly Assisted Living District, the applicant is unsuccessful in obtaining an approval for a Special Exception, the Zone Change establishing the Planned Elderly Assisted Living Facility District shall automatically become null and void and the original zoning district[s] of the site shall automatically be re-established.

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28.5 APPLICATION & PROCEDURES: Any Special Exception and Site Plan shall conform to the "minimum/maximum standards" as set forth in these Regulation and shall be submitted to the Planning and Zoning Commission, in writing; signed by the owners of all the parcels within the proposed district and shall be accompanied by the following:

28.5.1: Statement of use: in 12 copies, relative to the nature of the existing development around the proposed district; the concepts related to the site's open space; a description of the number and types of the proposed units; services and specific uses to be provided and the identity of the proposed ownership and the pertinent design features of the facility.

28.5.2 Conceptual Development Plans: 12 copies at a minimum scale of 1" = 40', and including:

28.5.2.1 Property map: a class A-2 survey map of the boundaries of the proposed district.

28.5.2.2 Existing conditions map: showing existing conditions, existing structures by use; topography; tree lines; travel features and wetlands boundaries.

28.5.2.3 Conceptual site development plan: showing the location of all proposed buildings, structures, access roads, parking areas, recreational facilities, open space areas, buffer areas, site utilities, phases of construction; and a tabulation of the required standards and the proposed standards used.

28.5.2.4 Conceptual architectural plans: showing preliminary, generalized floor plans, exterior elevations, perspective drawings and descriptive information on the number and size of the units; rooms per unit; types of construction materials to be used; and an architectural rendering of the proposed structures.

28.5.2.5 Utilities: 12 copies of a preliminary report showing the proposed method of sewerage disposal; water discharge and all other utilities.

28.5.2.6 Additional information: at the Commission's and/or staff request, other pertinent information such as traffic reports, soil conditions, marketability, environmental impacts, project models; proposed covenants, easements; deeds or any other pertinent data.

28.5.2.7 Failure: the failure to provide the Commission with any of the elements heretofore listed in this section shall constitute grounds for a denial of the proposed Special Exception.

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28.6 FEES: Upon submission, the applicant shall submit the established fee for a zone change, the established fee for a special exception along with an "advertising fee" in the amount of $ 250.00

28.7 STANDARDS: All Elderly Assisted Living Facilities established under this section shall conform to the following standard:

28.7.1 Pre-existing Planned Development or Planned Elderly Districts: may contain "non-use related provisions to afford additional flexibility due to the nature and composition resulting from previous approvals. The Commission may, at its discretion, consider all existing provisions of the original or last modified P.D.D. or P.E.F.D. within the framework of the current proposal and use both this section as well as the provisions detailing the original approval [sections 26 and/or 27].

28.7.2 Site Area, shape and characteristics: a minimum site area of ten [10] acres of "generally buildable" land, with soils and topography and other natural features.

28.7.3 Wetlands: the area of all ponds, marshes, wetlands, and intermittent streams and watercourses shall not be used to calculate more than ten [10] percent of the site area and when computing the allowable density.

28.7.4 Natural Features: the natural features of the site shall be retained where possible.

28.7.5 Lot Frontage, Square on Lot: the site shall have a minimum lot frontage of 100 feet and shall be of such a shape that a square, with a minimum dimension of 300 feet shall fit on the site, except that within any pre-existing Planned Development or Planned Elderly Development containing no proposal for the creation on any non-assisted type units as part of the proposal, the Commission may consider a proposed development on a private road; provided that said Commission and its staff conclude that the private road under consideration is adequate for the intended proposal.

28.7.6 Density, maximum: The total number of dwelling units in any Elderly Assisted Living Facility approved under this section shall be determined as follows:

Studio apartments:	2,500 sq. ft. of site area per each apartment unit
1 bedroom unit:	3,000 sq. ft. of site area per each apartment unit
2 bedroom unit:	4,500 sq. ft. of site area per each apartment unit

28.7.7 Setbacks: Buildings and other structures in any Elderly Assisted Living Facility shall be made to conform to the following:

28.7.7.1 All buildings & structures: minimum setback of 50 feet from any rear or side property line;

28.7.7.2 All buildings & structures: minimum setback off-of public roads, as

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prescribed by the Commission; but in no instance, less than 30 feet from any public street line

28.7.7.3 Any building and/or structure exceeding a height of 30 feet shall be further set back from any property line by two additional feet for each foot or fraction thereof in excess of 30 feet; except in a pre-existing P.D.D. or P.E.F.D. where the Commission may waive or modify any increase in setback distances due to existing building or structure height, provided that the existing setbacks are consistent with the specific standards established for height and setback distances at the time of the original creation of existing P.D.D. or P.E.F.D.

28.7.7.4 Other design features such as parking areas or interior drives within the development may extend to within 20 feet of a public street or property line, provided that adequate screening from adjacent, public or private properties is established and installed.

28.7.8 Maximum Building and Bulk Coverage:

28.7.8.1 The maximum lot coverage [footprints] shall not exceed 25 per cent of the area of the site.

28.7.8.2 The maximum floor area [all floors] shall not exceed 40 per cent of the site area.

28.7.9 Maximum Height & Number of Stories: The maximum height of any building or structure approved under this section shall not exceed three [3] stories or a structure height of fifty [50] feet; but in any pre-existing P.D.D. or P.E.F.D. with no proposed "non-assisted living units, the Commission may increase the maximum height standards to sixty [60] feet, provided that the height increase is consistent with the specific standards of the originally approved, or last modification of the P.D.D. or P.E.F.D.

For the purpose of this section, the height of a building or structure shall be measured from ground level to the highest point of the roof; exclusive of any cupolas, spires, chimneys or other such architectural features.

28.7.10 Permitted Uses: Any Elderly Assisted Living Facility approved under this section shall be dedicated for the elderly, as defined, and shall include housing, geriatric and limited medical care facilities; along with pertinent accessory structures, facilities and/or uses. In addition, certain "non-residential" uses as defined in this section shall also be provided.

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28.8 MANDATORY SUPPORTING FACILITIES: The development of an Elderly Assisted Living Facility shall contain certain supporting facilities which are deemed to be essential to adequately address the needs and well-being of its elderly residents, they are:

28.8.1 Dining halls, sufficient to accommodate the residents and expected visitors.

28.8.2 Personal grooming facilities

28.8.3 Arts & Crafts rooms [which can also substitute as game and/or meeting rooms;

28.8.4 Administrative & Security Offices

28.8.5 Storage Facilities

28.8.6 Trash, snow and ice removal services;

28.8.7 Private transportation services;

28.8.8 Walking [cycling] trails…and

28.8.9 Outdoor congregation areas, including benches, tables and gazebo or bandstands.

28.9 OPTIONAL SUPPORTING FACILITIES: Any proposed Elderly Assisted Living Facility should also contain a number of "optional" supporting facilities to further enhance the quality of life of its tenants. The following list, which is not intended to be inexhaustible, are permitted and encouraged; but not required. They include amenities of a communal, social and recreational nature such as:

28.9.1 Retail stores [in projects of 100 units or more];

28.9.2 Private Post Office [in projects of 125 units or more];

28.9.3 On-site banking facilities;

28.9.4 Fish or duck ponds;

28.9.5 Community Center;

28.9.6 Swimming Pool;

28.9.7 Tennis, Bocce and/or Shuffleboard courts;

28.9.8 Medical Prescription delivery service;

28.9.9 Putting greens;

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28.9.10 greenhouses;

28.9.11 Designated flower and vegetable gardens;

28.9.12 Social Directors and programs;

28.9.13 Delivery Services;

28.9.14 Multi-Denominational Chapel/Religious Services room;

28.9.15 Any other use and/or service and/or facility approved by the Planning and Zoning Commission

In any project approved under this section that consists of 100 or more units, the Commission may permit such supporting facilities as described above by "limiting" the size of these support facilities according to the following formula:

Commercial & retail support facilities: 20 square feet per each approved dwelling unit…and:
Banking and Postal facilities: 5 square feet per each approved dwelling unit.

Any approved support facility use shall not be an authorized use and occupancy will not be allowed until the Commission authorizes its approval, based on the completed and authorized number of occupants and the need for such commercial facility.

28.10 SITE UTILITIES: All Elderly Assisted Living Facilities shall be served by Municipal sanitary sewers and public water supply. All utilities [including, but not limited to: sanitary and storm sewers, electric, gas, water, telephone, and cable communication links] shall be installed underground

28.11 SITE DESIGN: The site and architectural designs of all buildings, structures and grounds shall be approved by the Commission; and be of such a character as to avoid undue traffic congestion on any street; to harmonize with the surrounding neighborhood and to accomplish a harmonious transition between areas that are unlike, or dissimilar in character.

The Commission shall further insure that the site design protects, preserves and enhances property values; while preserving and improving the quality of life and the beauty of the Community.

The site layout and architectural design shall take advantage of the topography and other physical features of the site. Buildings and other structures shall be located as not to obstruct the view from within an building; nor to obstruct the view from other buildings. The development will maintain a consistency both of scale and architectural design throughout.

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28.12 OPEN SPACE: All proposed areas of open space shall be clearly delineated to establish the use and controls as may be appropriate. Areas of open space will be labeled in a manner approved by the Commission to clearly indicate that said land is not to be used or developed for building purposes of future site design.

28.12.1 All dwellings shall be provided with suitable outdoor open space, hereafter [for the purpose of this section] referred to as "useable open space"; having an aggregate area of one hundred fifty [150] square feet per each bedroom; however, in no instance shall the total amount of all areas of open space be less than two [2] acres.

28.12.2 In addition to the provisions above, no less than twenty percent [20%] of all designated open space be "useable open space" which shall be properly arranged, graded, sprinkled and landscaped for the purpose of achieving suitable areas for both active and passive recreation and/or social congregation. These areas may [and should] contain such amenities as walking paths, flower gardens, benches, tables, gazebos or bandstands, tennis, bocce or shuffleboard courts, swimming pools, putting greens and other appropriate facilities and amenities, designed to provide the site's residents and their visitors with a suitable outdoor environment.

28.12.3 Upon its review, the Commission may reasonably condition the approval of any Elderly Assisted Living Facility under this section upon the creation of one or more amenities and support facilities to be situated in a designated area of "useable open space". The Commission, by mutual agreement with the applicant may further substitute certain "mandatory amenities" [section 28.8] except the provision for private transportation, for more elaborate forms of outside recreation or entertainment.

28.12.4 The remaining 80% [or less] of open space, not designated as "useable open space" shall be returned and subsequently maintained in its natural or modified state of growth or development. The applicant, upon Commission approval, may select a method of preservation, maintenance and ownership of all portions of open space not designated and reserved as "useable open space from the following options:

28.12.4.1 By the establishment of a private association to own and maintain all areas of open space not designated as "useable"…or

28.12.4.2 By owning, keeping and maintaining these areas of open space in the name of the ownership and or facility management.

28.12.5 For the purpose of this section, the terms "open space" and/or "useable open space" shall not include buffer areas, paved or unpaved or reserved parking areas; any portion of the site on which the grade of the land exceeds 25 percent; and any areas of designated wetlands, with the following exceptions:

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28.12.5.1 In areas of tidal wetlands within the Shoreline District and where the Commission, recognizing the aesthetic beauty of areas of tidal wetlands, and stipulates that said wetlands or a portion thereof may be designated "useable open space"

28.12.5.2 Notwithstanding the above, the areas of tidal wetlands, although designated as "useable open space", shall not be included in the calculation of the area of "useable open space"; provided that such inclusion remains consistent with any specific standards or conditions that were previously established in a pre-existing P.D.D. or P.E.F.D…..and…..further provided that said tidal wetlands will be integrated into the overall site design. An adequate setback of natural, protective open space will be established from the closest limit of said tidal wetlands to any areas of disturbance for protection of said wetlands.

28.13 FACILITY PARKING: For the purpose of this section, off-street parking and loading spaces shall be designed as per section 42 of these Regulations

28.13.1 The minimum number of parking spaces approved under this section shall be calculated in the following manner:

28.13.1.1 1.5 vehicle spaces for each "non-assisted" single bedroom unit;

28.13.1.2 2.5 vehicle spaces for each "non-assisted" two bedroom unit;

28.13.1.3 0.5 vehicle spaces for each "assisted living" bed or bedroom unit;

28.13.1.4 1.0 vehicle spaces for each 300 square feet of gross floor area of all support facilities

28.13.2 All parking areas shall contain evenly distributed

28.13.3 Landscaped areas, protected by concrete curbing every

28.13.4 12th space in a row of parking spaces. All parking areas shall be suitably screened from streets, adjoining properties, refuse disposal locations, recreation and open space areas.

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28.13.3 Notwithstanding the provisions of section 28.13.1; in any proposed project containing no units of "non-assisted" housing, the Commission shall be empowered to reduce the number of required parking spaces based on the applicant's ability to show that the number of spaces may be excessive and unnecessary for the day-to-day needs of the facility, and that there are designated "reserve areas" on the site in the event additional parking should ever become necessary.

28.14 LANDSCAPING: All portions of the site shall be either areas of undisturbed natural terrain or shall be suitably landscaped with trees, lawns, bushes, shrubs, flowers and other suitable landscape features. All areas of lawn shall be sprinkled and all newly planted trees shall have a minimum caliper of three [3] inches and a minimum height of six [6] feet. At least 25 percent of all newly planted trees shall be of a variety of Evergreen trees.

28.15 SITE REFUSE: On any site approved under this section all refuse collection and removal shall be privately contracted with no Municipal liability. The number of and locations for refuse collection bins shall be approved by the Commission. All refuse/trash bins shall be situated on a pad of impervious surface and shall be enclosed and screened from view on three sides by a structure of identical materials as that of the site's primary structures or of decorative block or brick. Each container shall be enclosed on the remaining side by a screened, decorative gate. Billiards shall be permanently positioned on either side of said gate to protect the structures integrity from damage.

28.15.1 Medical Waste: In any Elderly Assisted Living Facility, all medical and/or hazardous waste, originating and/or generated by, or within the facility shall be stored inside the main Assisted Living structure, and is to be regularly removed by an authorized hazardous waste disposal firm and, in compliance with any Federal and/or State Regulation regarding the disposal of this type of waste.

28.16 STREETS and DRIVES: All proposed streets and drives shall be constructed at no less than the minimum standards for all Town roads. Interior streets and drives shall be designed in such a manner as to provide for easy and safe accessibility to all units and supporting facilities and areas of useable open space in order that they create and maintain a free flow of internal traffic.

28.16.1 All streets and drives shall be further designed as to minimize through traffic, reduce speeds in residential areas and provide adequate circulation within the development. Any internal road ending in a cul-de-sac shall be of a radius and circumference approved by the Dept. of Fire Services.

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28.16.2 Curbs and Sidewalks in the facility shall be constructed of concrete cement. Sidewalk widths are to be 5 feet and A.D.A. specified sidewalks will adjoin all access roadways and street frontages and to further provide a connection between buildings, supporting facilities and areas of useable open space. Any unpaved pathways or walking trails shall be suitably graded, and at such widths as to allow for unencumbered travel by elderly residents.

28.16.3 Dimensions: All streets and drives created in conjunction with this section shall conform to the following dimensions:

28.16.3.1 Non-divided streets and drives: constructed at a minimum width of 26 feet, from curb to curb.

28.16.3.2 Divided Streets: constructed at a minimum width of 22 feet per lane, from curb to curb

28.16.3.3 Road radius: On any road radius, no placement of trees, shrubs, bushes or light stanchions within five [5] feet of any curb line.

28.16.3 All streets, drive, roadways and/or access drives, sidewalks and/or pathways approved under this section are to be privately owned and maintained in perpetuity.

28.17 EXTERIOR SITE LIGHTING: Appropriate exterior lighting shall be designed, and provided for at all building entrances; along all exterior walkways; in parking areas and at all access points and along streets within the facility. Exterior lighting shall also be provided at any other location on the site deemed necessary or required for vehicular and/or pedestrian traffic.

28.18 STREET SIGNS and BUILDING NUMBERS: All streets shall display clearly visible, reflective street signs. All intersecting streets shall be clearly identifiable and street names shall be pre-approved by the Commission or support staff to prevent confusion or duplication with names of existing streets.

28.18.1 All residential buildings within the facility shall be clearly identifiable to any emergency service by means of a building number or letter, being no less than 10 inches in height and of a reflective material located in proximity to the building's main entrance and easily visible from the street.

All units/apartments within said building shall also be affixed to the building exterior. Unit or apartment designators shall be of a reflective material, no less than three inches in height and located on the building exterior, in direct proximity to the larger building number or letter [above], and visible from the street.

28.19 OTHER IMPROVEMENTS: The location, type and number of fire hydrants within any Elderly Assisted Living Facility shall be pre-approved by the Chief and/or Marshall, Department of Fire Services

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28.19.1 Site security personnel and policies shall be reviewed and approved by the Chief, Department of Police Services.

28.19.2 Any man-made lake, pond, detention or water retention area shall be pre-approved by the Town Engineer.

28.19.3 **Signage:** All facility identifying signage shall be designed and presented before the Commission for approval as part of the overall design concept of the facility. These signs shall be in keeping with the residential keeping of the neighborhood. The size, location and materials used for this signage shall require Commission approval.

Signage for any permitted commercial supporting facility shall not exceed 16 square feet for each approved support facility and shall be visible only from within the confines of the facility.

28.20 PROFESSIONAL STANDARDS: All maps, plans and technical drawings submitted for approval shall be designed by, and bear the seal of a qualified engineer; architect and/or surveyor, licensed to practice in the State of Connecticut. All structures intended primarily for human occupancy shall be designed by a registered architect who shall submit five [5] sets of complete, stamped construction plans to the Town for pre-construction Plan Review. All boundary surveys and property maps shall be prepared and stamped by a licensed, registered land surveyor. All engineering designs, roads, utility plans and sanitary and storm sewer facilities shall be prepared and stamped by a registered civil engineer.

28.21 DWELLING UNITS: The minimum area of dwelling units, designed for occupancy in any Elderly Assisted Living Facility shall be:

28.21.1	Studio Apartments	450 square feet per apartment
28.21.2	One bedroom Apartment:	650 square feet per apartment
28.21.3	Two bedroom Apartment	800 square feet per apartment
28.21.4	Assisted living units:	300 square feet per apartment

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28.22 ADDITIONAL REQUIREMENTS: On occasion, the Commission or its staff may require additional information from an applicant in order to facilitate a decision on the proposal or a portion thereof. When necessary, the request for additional information shall be transmitted to the applicant in writing; and the applicant will be provided with a reason-able amount of time to facilitate the request. The applicant shall be responsible for making application and/or notification to any State of Connecticut and/or Federal Agency that may have a shared jurisdiction, responsibility or a concern associated with the proposal. The applicant shall be responsible for compliance with the mandatory notifications required for a Zone Change and a Special Exception, as per Section 64 of these Regulations.

Any modifications to any approved conceptual, preliminary plan or any planned increase in density of the facility shall be immediately brought to the Commission's attention. The Commission shall then decide if the contemplated "Modifications" are significant enough to require: [a] a new application for Special Exception; or [b] new public hearings regarding the proposed modifications; or [c] conduct a Site Plan Modification Hearing in instances where it is deemed the "modifications" do not significantly change the scope, intensity or density of the project.

Upon completion of the particular hearing[s] on any proposed modification of an "approved conceptual plan" the Commission shall then either approve, deny or approve with conditions the plan with the new modifications. The Commission may further modify, alter or add additional conditions to the previously approved conceptual plan as a result of the modifications.

In the event of a modification, the applicant will bear all costs incurred or resulting from any new application, advertising fees, notifications and any other fee resulting from the proposed modification.

In the event any Special Exception and/or Site Plan Modification for an Elderly Assisted Living Facility, or a modification thereof under this section is denied by the Commission, said Commission will state, on the official record of the proceeding, the reason[s] for the denial.

28.23 TRANSPORTATION: Any applicant, owner or operating agency seeking approvals to create an Elderly Assisted Living Facility, shall provide to the Commission certification and other evidence that said facility will have a privately funded method of transportation, such as a bus or handicap accessible van, or other means of transportation suitable to the Commission, along with a properly licensed individual that is to be dedicated to said facility for off-site medical and dental needs; regularly scheduled shopping trips and other social excursions. This "service" is to be considered as a mandatory element of any approval granted under this section and any cancellation, suspension or termination of said service shall be considered a violation of the Site Plan Approval, and subject to the penalties prescribed in these Regulations as a "willful" violation of the approval, and subject to the maximum penalties prescribed in Connecticut General Statutes, section 8-12.

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28.24 OTHER CONSIDERATIONS: In addition to the standards above, the Commission may further request from the petitioner, additional information and/or documentation relative to:

28.24.1 Sanitary Sewerage: documentation from the Water Pollution Control Authority that the existing sanitary sewer lines are available and adequate for tie-in to the proposed project's sanitary sewer lines.

28.24.2 Solid Waste: documentation from the East Shore Health District on the adequacy of the site's solid waste disposal

28.24.3 Traffic: documentation or an in-depth traffic study from a qualified Traffic Engineer certifying that the proposed vehicular traffic impact will not create any undue traffic hazards and/or serious traffic problems.

28.24.4 Fire Detection, Protection and Evacuation Plan: certification from the Fire Marshall that the proposal meets or exceeds the Fire Safety Code regarding fire detection, sprinklers, hydrants, fire lines or any other proposed or mandated fire suppression or life safety system.

28.24.5 Town Engineer/Public Works: Testimony or written certification that the proposed design of the private streets, drives and sidewalks meet or exceed minimum construction standards.

28.24.6 Other Pertinent Information and Documentation: any statements, studies, reports and certification from any other Municipal, State or Federal board or commission who's input, knowledge, findings and/or concerns are either mandated, required and/or requested regarding the proposal.

28.25 BUILDING DESIGN: The Commission shall require that the size and appearance of any building or structures or facility approved under this section shall be compatible and

harmonious with the general character and appearance of buildings in the immediate vicinity of the site; and shall not be detrimental to the appropriate and orderly development of adjacent lots and buildings.

All free standing buildings containing living units shall not exceed an overall length of 250 feet; and no exterior wall of any such building shall exceed a length of 50 feet in an unbroken plane without a building off-set of at least five feet. All enclosed links that do not contain areas of living units shall not be considered a part of the building when computing the overall building length.

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28.26 IMPOSED CONDITIONS, DELIBERATIONS and COMMISSION ACTION: The Commission, upon completion of all the required Public Hearings and Site Plan Applications shall decide on any application for an Elderly Assisted Living Facility within 65 days. The Commission may request that the applicant provide one or more extensions of time, not to exceed 65 days to obtain additional information and/or to reach a decision.

The Commission may impose any number of reasonable conditions, in addition to the requirements and standards of this section; as part of an approval; said conditions shall be of a nature as to further improve the "quality of life" of the tenants of the facility and/or to better protect the public health, safety and welfare of the Town's residents.

In its deliberations on any required Special Exception to approve any Elderly Assisted Living Facility, the Commission is authorized and obligated to give due consideration and attention to the actual proposed facility, and issues of Public Health, Safety and Welfare including, but not limited to, the traffic impact of the facility, the impact on the Town's emergency services; the number of similar and/or identical facilities in the immediate area of the proposal, the property values in the immediate area or any other factor or consideration that may negatively impact the immediate area, the Town or the Plan of Development.

28.27 COMMISSION PROCEDURE and ACTION: That upon a finding that the proposed Elderly Assisted Living Facility meets the criteria set forth in these Regulations; and such project would be beneficial to the Health, Safety, Welfare, Economic Development of the Town; and is also consistent with the Town's Plan of Development, said Commission may grant Preliminary Approval to the application to establish an Elderly Assisted Living Facility as per the submitted plan or the approved plan as modified and conditioned.

Said Preliminary Approval shall be further contingent upon:

28.27.1 The posting of a mandated performance bond…..and

28.27.2 The applicants submission for an Application for Final Approval within six [6] months of the date of the Preliminary Approval.

The failure of an applicant to provide the Commission with the elements stipulated in this section, within the time period required, or any approved Extension[s] of time not to exceed six [6] months in duration shall render the Preliminary Approval null and void for the Failure to Proceed.

28.28 APPLICATION for FINAL APPROVAL: Any Application for Final Approval approved under this section shall contain:

28.28.1 Sufficient evidence, plans and/or documentation that the application for final approval is consistent with the Preliminary Approved Plan and all modifications and/or conditions of said plan have been incorporated into the Application for the Approval of the Final Plans.

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28.28.2 Any application for Final Approval under this section may be submitted to the Commission in phases and/or stages of development; however, in no instance will the minimum land area in any stage or phase of development be less than five [5] contiguous acres.

28.28.3 Each stage/phase of development submitted for final approval must take into consideration the development of previous stages of development and must encompass a logical area of development of the site. In addition, proper provisions must be made for the supporting facilities contained in each phase [stage] of development.

28.28.4 The Commission, upon its decision to grant an initial phase [stage] of development, shall not be obligated or required to continue a phased [staged] type of development throughout the entire project. Said Commission shall maintain its discretionary authority to allow and/or prohibit any additional proposed development in phases [stages].

28.29 PHASE DEVELOPMENT, TIME LIMITATIONS: Any applications for the Final Approval of each subsequent phase [stage] of development shall be submitted within three [3] years of the date of the previously approved stage [phase] of development.; however, under no circumstances, shall the maximum allowable time period for the completion of an entire Elderly Assisted Living Facility; including any/all approved physical improvements thereon exceed seven [7] years from the date of the approval of the Final Conceptual Plan.

28.30 EXTENSIONS of TIME; FAILURE to PROCEED; ABANDONMENT:

28.30.1 **Extensions of time:** for the purpose of this section, the Commission shall be authorized to grant up to three [3] extensions of time in order to fully complete an Elderly Assisted Living Facility; however, in no instance shall the maximum time period to fully complete such a project exceed ten [10] years from the date of the approval of the Final Conceptual Plan.

28.30.2 **Failure to proceed, and/or abandonment:** If, for whatever reason and/or circumstance, the applicant and/or owners of any Elderly Assisted Living Facility; and/or their successors and/or heirs either fails to proceed or abandons all or any portion of the finally approved development; and/or fails to submit an application for Final Approval for the initial or any subsequent phase [stage] of development; and/or fails to complete, within the required time period along with any approved extensions any/all phases of development, this Commission shall be authorized to take one, or more of the following actions:

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28.30.2.1 In instances where the applicant and/or owner or developer; for whatever reason, fails to obtain Final Approvals and or fails to obtain or post the necessary Performance Bonding within the allotted time period, the Commission may declare the preliminary [conceptual] approvals for the Elderly Assisted Living Facility to be null and void; and may further return the site area to its original Zoning District.

28.30.2.2 In any instance where an Approved, Bonded project is initiated and then is abandoned, either whole, or in part; or in an instance where, for whatever reason, there is a failure to complete the development within the required timing constraints, the Commission shall be deemed to be authorized by the site owner and/or agent[s] and/or their successors to order a halt any further development or construction on the site; and/or cause to have any remaining site bond called in favor of the Town of East Haven for the purpose of site restoration; and/or to declare the remaining portion of the site as areas of "non-developable open space"; and/or declare the undeveloped portion of the development, or any portion thereof, as land to be reclassified as a buffer strip between the original site boundaries and the surrounding area; and/or to initiated any formal legal procedures available to the Town of East Haven to take lawful possession of the site.

In any instance where abandonment or a failure to proceed in the development of a subsequent stage of development results in a situation where the number of completed non assisted living units exceeds the maximum percentage of non-assisted units as per the number of assisted units [as detailed below] the Commission shall be authorized to withhold and/or revoke the Certificate[s] of Use an Occupancy for any non-assisted living unit in excess of the maximum allowable percentage of non-assisted units as to assisted units until compliance with these Regulations is achieved.

28.31 ALLOWABLE PERCENTAGE OF NON-ASSISTED UNITS TO ASSISTED UNITS: At no time, during any phase [stage] of development, or upon completion of any Elderly Assisted Living Facility shall the Planning and Zoning Commission, or its staff allow the occupancy of more than one [1] unit designed for "non-assisted" living for every two [2] units designed for assisted living in order to maintain a mandated ratio of two assisted living units [66%] and/or living space for each, unit of non-assisted living [33%].

28.32 APPLICATION for FINAL APPROVALS: Any application for final approval under this section shall be consistent with the approved Conceptual Development Plan, as modified and conditioned by the Commission. Application for final approval shall be submitted to the Commission in six [6] copies, and shall include but not be limited to the following:

28.32.1 Final Statement of Use: a detailed written statement of the operation of the facility, any dedicated uses, highlighting the implementation of any conditions or

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modifications imposed by the Commission at the time of the Preliminary [conceptual] approval; a projected completion time for the entire project and each phase [stage] of development; proposed financing plans; proposed facility management plans and any other pertinent information required by the Commission.

28.32.2 Final Detailed Site Development and Building Plans: detailed Plans, drawings and renderings of a Professional Standard identical to the Plans required for the preliminary [conceptual] approvals, and in compliance with the standards of this section. Plans for staged [phased] development shall reflect and clearly delineate each phase of development, and shall further demonstrate the ability of each development phase [stage] to attain a level of "self-sufficient existence" in the event that the proposed subsequent phases [stages] of development are not developed.

If, in the opinion of the Commission, the proposed stages of development of the Final Development Plan fail to show a significant degree of self-sufficient existence; the Commission shall be authorized to combine one or more of the proposed phases [stages] of development into a single development phase.

All maps, drawings and renderings contained as part of the Final Development Plan shall bear a stamp of the professional Architect, Engineer and/or Surveyor and shall be drawn at a minimum scale of one [1] inch equals forty [40] feet and include, at least, the following information:

28.32.3 Site Plan: A detailed plan of all site proposals, including all buildings and structures, roads, drives, sidewalks, walkways, hydrants, parking areas, recreational areas, open space areas and site amenities and other pertinent information. The final Site Plan shall further contain tabulations of the standards and designs used.

28.32.4 Engineering Plans: Plans presenting detailed engineering design and adequate information supporting all the engineering elements of the site, improvements thereon; including [but not limited to] proposed roads, drives, parking areas, grading, drainage, sewers, water supply, sidewalks, walkways, utilities, sedimentation and erosion control and all other improvements.

28.32.5 Landscaping/Lighting Plans: Plans showing all areas to be planted, buffer strips and other suitable screening; the types of plantings, by both the common and botanical name and number, size and location. Any area that is to be maintained by someone other than the applicant/owner. Topography and other natural features to the extent that they are significant to the landscape treatment; the location of all signs, light poles, fences and walls. Plantings in said plan will conform to the standards of Section 28.14

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28.32.6 Architectural Plans: Drawings of all proposed buildings and structures containing floor plans of all levels; elevations of all sides of structures and accessory buildings; perspective drawings and renderings to the extent necessary to portray building design and the relationship and general specifications of types of construction proposed; including exterior materials and finishes. Architectural Plans shall adhere to all applicable standards of this section.

28.32.7 Other Documents: Any other Plans, reports, traffic studies, environmental studies or documents as the Commission may request that concerns the use, maintenance, control and liability relative to all open space and common facilities.

28.33 FINAL DEVELOPMENT PLAN…FEES: Upon submission of a Final Development Plan, the applicant shall submit a fee of $150.00, plus $ 2.00 for each unit of residential, non-assisted housing; but no less than $ 100.00. The Commission is empowered, by a majority vote of its sitting members, to waive any fees for any Application submitted by the Town of East Haven, or the local Housing Authority.

28.34 FINAL DEVELOPMENT PLAN, APPROVALS: Upon receipt of Final Development Plan Approval, the Commission shall determine the completeness and, within 65 days from the date of its next regularly scheduled meeting following the date of receipt, the Commission shall approve and/or approve with conditions and/or modifications, or deny the Application and/or any proposed phasing [staging] plans for development.

If requested, the applicant may grant one or more requests for extensions of time for action to the Commission; however the total of all granted extensions shall not exceed an additional 65 days.

In all instances, the application for Final Approval shall be approved or denied upon the findings of one, or more of the following:

28.34.1 The Final Development Plan does/does not meet the standards of Section 28.

28.34.2 The Final Development Plan is/is not consistent with the Commission approved "Conceptual Plan"

28.34.3 The proposed Development's streets and drives are/are not adequate to accommodate the projected traffic volume.

28.34.4 The Town's existing road system will/will not be overburdened by the proposed development

28.34.5 The proposed utility systems, sanitary sewers and storm drainage facilities are/are not adequate to satisfy the projected demands of the project

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28.34.6 The existing utility systems, Town sanitary sewers and storm drainage facilities can/cannot accommodate the projected increase of the proposed development

28.34.7 The proposal in the Final Development Plan does/does not conform to all Municipal, State and Federal requirements and will/will not have an adverse impact on the environment

28.34.8 The Final Development Plan does/does not contain workable and viable proposals which, when implemented, will/will not adequately provide for site maintenance, use and enjoyment of all proposed recreational, open space, and common public areas

28.34.9 The Final Development Plan does/does not adequately address the modifications and/or conditions implemented by the Commission

28.34.10 The proposed development and financing proposals do/do not insure completion of the development, as approved in a timely manner.

28.34.11 The Final Development Plan has/has not demonstrated that the proposal will not overburden the Town's Police, Fire, Emergency and Public Services Units.

28.35 FINAL DEVELOPMENT PLAN, MODIFIED, CONDITIONED or DENIED: In any instance where the Commission requires the modification, the conditioning; or disapproves a Final Development Plan for an Elderly Assisted Living Facility, the applicant may revise and resubmit another application for Final Approval within 65 days from the date of the previous action. The Commission may authorize one or more extensions, not to exceed an additional 65 days in order for the applicant to resubmit said application. If upon the exhaustion of the extension period and any authorized time extensions, the applicant fails to resubmit an Application for Final Approval, the Commission shall declare the previously approved "Conceptual Development Plan" to be null and void, and establish the provisions and/or declare that the site be returned to its original zoning district

28.36 PERFORMANCE BOND: Within 120 days of the Approval of the Final Development Plan, and prior to the commencement of any site work, the applicant shall file with the Commission or it's agent a performance bond, in a form, amount and surety approved by the Commission that will insure the faithful performance of all site improvement work required by the approved plan. The Commission may, upon request, extend the time for the posting of said bond by an additional 120 days.

The applicant shall be required to maintain a bond, satisfactory to the Commission for the entire period of construction and development of the facility. The applicant may, from time-to-time, during site development request a reduction of said bond upon completion of a considerable amount of site work and with Commission and staff approval.

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28.37 APPLICANT NOTIFICATION: Within fifteen [15] days of any decision on an Application for Final Approval under this section, the applicant shall be notified by the Commission and/or it's agent, via certified mail, the contents of any such decision.

28.38 TOWN ENDORSEMENT: That, upon Final Approval and the receipt of the required performance bond, the Commission Chairman shall be authorized to endorse the Final, Approved Detailed Development Plan.

28.39 FAILURE to PROCEED: If the applicant, for whatever reason, fails to comply with the timing constraints, including any authorized extensions, or the bonding obligations, and/or fails to commence with the actual construction of the facility within six [6] months of the date of the endorsement of the approved, Final, Detailed Development Plan, or any authorized extension thereof, granted in writing of up to six [6] additional months, the approval of the Detailed Development Plan shall become null and void.

28.40 CHANGES or ALTERATIONS AFTER FINAL APPROVAL: Any proposed or required changes or modifications in the use, concept or the approved physical development of the Final Development Plan shall be brought to the attention of the Commission immediately for a review and action prior to any implementation of such change[s]. The Commission shall then determine if such changes or alterations constitute a minor or major modification/change.

28.40.1 Minor Changes/Modifications: Upon a finding that a proposed change/modification is minor in nature or scope, the Commission may approve the change by a simple resolution

28.40.2 Major Change[s]/Modification[s]: Upon a finding that a proposed change/modification is major in nature or scope, said Commission shall require the submission of a Revised Application for Final Approval, which shall be processed and decided in accordance with these Regulations.

For the purpose of this Section, the following list of changes and/or modifications shall be considered to be a major change:

28.40.2.1 Any proposed increase in the density of the development

28.40.2.2 Any proposed increase in the number of, size of, or number bedrooms per unit within the development

28.40.2.3 Any proposed decrease in the area of "useable" open space, or open space area

28.40.2.4 Any proposed significant change in the approved development plan

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28.40.2.5 Any proposed change in concept and/or use of the site, its buildings, structures or amenities thereon

28.40.2.6 Any proposed change/modification that would negatively impact the quality of life of the tenants, the surrounding neighborhood, Town residents or the Town of East Haven

28.41 SITE MAINTENANCE and ENFORCEMENT: Within or on any Elderly Assisted Living Facility site, the site's owner, developer, management agent or their successors; or any subsequent owner or management agent shall be responsible for the continuous, diligent maintenance of the site.

For the purpose of this section; any/all trees, shrubs, bushes, grass, fences, walls, terraces, patios and all other landscaping materials; either living or inanimate, approved as part of the plan shall be in place for 90 days prior to any release of bonding necessary to cover the replacement costs of said items.

That, all of the aforedescribed landscaping elements, as well as any road, sidewalk, sign, pole, parking area, curbing, walking path, manmade retention or detention pond, building, structure, means of tenant transportation or site amenity approved as part of the facility, shall be considered as an element of the project and its approval and, as such, is to be maintained with an equal amount of care and diligence; and shall be subject to periodic inspection by any Town Official having jurisdiction over the care and maintenance of same. Any diseased and/or dead tree, bush, shrub, area of grass, flowers or any other living matter; or any fence, wall terrace, patio, site amenity, sign or other inanimate object, approved as part of this project that is worn, broken, damaged, missing or has fallen into a state of disrepair or unsightliness shall be ordered to be repaired or replaced within 30 days of written notification as a Violation of the Site Plan Approval and, as such, a violation of section 53.4 of the East Haven Zoning Regulations and/or Connecticut General Statute 8-12; and shall be subject to the penalties for noncompliance to said sections prescribed therein.

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SECTION 29: FARM RIVER FLOOD PLAIN OVERLAY DISTRICT

29.1 PURPOSE: The purpose of the Farm River Flood Plain District is to apply *special regulations and standards* to the use of land in the floodplain of the Farm River, which has, or tends to have flooded or overflowed its banks. These Special Standards are designed to:

29.1.1 Prevent or minimize the loss of life, injuries, property damage and other losses, both private and public.

29.1.2 Promote the public health, safety and general welfare of the people;…and

29.1.3 Help control and minimize the extent of flooding and to reduce the depth and violence of flooding…and

29.1.4 To insure continued eligibility of owners of property in the Town of East Haven for participation in the *National Flood Insurance Program,* pursuant to the rules and regulations published in the *Federal Register;*…and

29.1.5 To minimize the need for rescue and relief efforts associated with flooding and, generally undertaken at the expense of the general public…and

29.1.6 To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

29.1.7 To control the alteration of natural floodplains, stream channel and natural protective barriers which are involved in the accommodation of the Farm River's flood waters…and

29.1.8 To restrict or prohibit certain uses, or extensions of uses, which are or may become dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities

29.1.9 The administration and enforcement of these Regulations was established in accordance with an ordinance, adopted in January, 1955.

29.1.10 These Regulations may be amended from time-to-time, in accordance with the provisions of the East Haven Zoning Regulations and the General Statutes of the State of Connecticut.

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29.2 <u>FINDING of FACT:</u>

29.2.1 The Farm River area of the Town is subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection, evacuation and relief and impairment of the tax base; all of which affect the public health, safety and general welfare.

29.2.2 These flood losses are caused by the cumulative a effect of development and obstructions in the floodplain causing increases in the flood height and velocity, and by the occupancy in flood hazard areas, by uses vulnerable to floods, or hazardous to other lands which are inadequately elevated, flood proofed or otherwise unprotected from flood damage.

29.3 APPLICABILITY: The provisions of this overlay district are applicable to all buildings, structures, uses and facilities within the delineated Farm River Floodplain Overlay District as delineated in Paragraph 21.5 of these Regulations and are in addition to the provisions, standards and requirements of any underlying district. In all instances, the most restrictive provisions shall apply.

29.4 THE FARM RIVER FLOOD PLAIN DISTRICT, Defined: The *"Farm River Flood Plain Overlay District* extends from the River's point of origin, in the North, at the East Haven/North Branford Town Line; running in a generally southern direction; along the centerline of the entire length of said Farm River, to a point located immediately North of the Interstate 95 overpass. The Easterly and Westerly limits of this Overlay District shall extend to all areas of special flood hazard; up to, and including the farthest most point of impact in each direction for a <u>100 year storm</u>, as delineated on the official <u>Flood Insurance Rate Map (F.I.R.M.) and Flood Boundary and Floodway Map</u> for the Town of East Haven as adopted by reference into the EH Flood Damage & Control Ordinance.

29.4.1 General Provisions: The provisions of this Section are intended to apply to the *Special Flood Hazard Area* along the Farm River. The Zoning Administrator and the Office of the Town Engineer are hereby appointed to administer and implement the provisions of this Section.

29.5 <u>TITLE and AUTHORITY:</u> The Legislature of the State of Connecticut has, in Section 7-148(c)(7) of the General Statutes, delegated the responsibility to local governmental units to adopt Regulations designed to promote the public health, safety and general welfare of it's citizenry.

29.5.1 This Section of the Town of East Haven's Zoning Regulations shall be known as the *<u>Farm River Flood Plain Overlay District.</u>*

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29.6 DEFINITIONS: Specific words, terms and phrases used in this Section are specifically defined in Section 4 of these Zoning Regulations. Any words and/or phrases not specifically defined therein shall be as defined in the Flood Damage Prevention and Control Ordinance; and if not found therein shall be interpreted so as to give them the meaning they have in common usage and to give this Section it's most reasonable application.

29.6.1 Addition to an Existing Building or Structure: means any walled and/or roofed expansion of the perimeter of a building or structure *at, or below grade,* to which the addition is connected.

29.6.2 Appeal: means a request for a review of the Commission's and/or staff interpretation of any provision of this Section, or a request for a variance

29.6.3 Area of Special Flood Hazard: is the land located within the flood plain that is subject to a one percent (1%) or greater chance of flooding in any given year.

29.6.4 Base Flood: means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

29.6.5 Base Flood Elevation: means the particular elevation of the base flood, as specified on the *Flood Insurance Rate Map[s] (F.I.R.M.)* for the Town of East Haven.

29.6.6 Basement: means that portion of a building or structure having it's floor below ground level (subgrade) on all sides.

29.6.6.1 Breakaway Wall: means a wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or structure or the supporting foundation system.

29.6.7 Building means any structure built for support, shelter, enclosure, occupancy and/or storage

29.6.8 Development: means any *man made change* to improved or unimproved real estate; including, but not limited to: buildings or other structures, dredging, filling, grading, paving, excavating, vegetation removal or the permanent storage of goods or materials

29.6.9 Elevated Building: means a "non-basement" building or structure, built to have the lowest floor elevated above ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), sheer walls or breakaway walls.

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29.6.10 Flood Hazard Boundary Map: this term has been d e l e t e d as it is no longer used

29.6.11 Flood Insurance Rate Map (F.I.R.M): is an official map of a community, on which the Federal Emergency Management Agency (F.E.M.A.) has delineated both the areas of special flood hazard and the risk premium zones applicable to that community.

29.6.12 Flood Insurance Study: is the official report by the Federal Emergency Management Agency (FEMA), containing flood profiles as well as the flood boundary floodway map and the water surface elevation.

29.6.13 Floodway: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

29.6.14 Fringe Area: is the flooded area of the 100 year flood plain that is not included in the floodway.

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

29.6.16 Functionally Dependent Facility: is a facility which cannot be used for its intended purpose unless it is located in close proximity to water, i.e. a docking facility; but does not include any long-term storage, manufacture, sales or service facilities.

29.6.17 Highest Adjacent Grade: means the highest natural elevation of ground surface, prior to construction, next to the proposed walls of a building or structure.

29.6.18 Lowest Floor: means the lowest floor of the lowest enclosed area (including basements). An unfinished floor or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building or structures “lowest floor”.

29.6.19 Manufactured Home: means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with, or without a permanent foundation; and when connected to the required utilities, is fit for use and occupancy. The term includes park trailers, travel trailers, office trailers and similar transportable structures placed legally on a site.

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29.6.20 Mean Sea Level: means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations, shown on a community's Flood Insurance Rate Map are referenced.

29.6.21 National Geodetic Vertical Datum (NGVD): as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.'

29.6.22 New Construction: means buildings and/or structures that commenced on, or after the effective date of this Section.

29.6.23 Structure: means a walled and/or roofed building that is primarily above ground, a manufactured building or structure, a gas or liquid storage tank, a fuel tank or other man made facilities or infrastructures having a permanent location on the ground.

29.6.24 Substantial Improvement: means any combination of repairs, reconstruction, alteration or improvements to a building or structure, in which the cumulative cost of material and labor equals or exceeds fifty percent (50%) of the assessed value of said building or structure prior to the start of the initial repair, reconstruction, alteration or improvements; or in the case of damage repair, the assessed value of the building or structure prior to the damage occurring.

29.6.24.1 For the purpose of this Section, *"substantial improvement"* is considered to occur with the first alteration of any wall, ceiling, floor or other structural or mechanical part of the building or structure commences; whether or not the alteration affects the external dimensions of the building or structure. This term does not, however, include any project for improvement of a building or structure required to comply with existing health, sanitary or safety code requirements which are solely necessary to assure safe living conditions.

29.6.25 Variance: is a grant of relief from the requirements of this Section where the enforcement and strict application of same would result in an unnecessary and/or undue hardship.

29.6.26 Water Surface Elevation: means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

29.7 COMPLIANCE: Notwithstanding the provisions of the East Haven Flood Damage Prevention and Control Ordinance, applicable to all areas of special flood hazard throughout the Town of East Haven, on any parcel of land or portion thereof, located within the delineated Farm River Floodplain Overlay District there shall be no construction,

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reconstruction, relocation or alteration of any structure, or use, or change of use of land except in accordance with the terms and provisions of these Regulations and subject to the approval of a Development Permit under the provisions of the above-mentioned Ordinance.

29.7.1 The construction, reconstruction, expansion and/or relocation of any building, structure, accessory structure, pool or fencing is *not permitted,* except as set forth below:

29.7.2 The filling or development of any land area or storage of goods, materials and equipment, whether permanently or temporarily, is *not permitted.*

29.7.3 The minor internal alteration of buildings or other structures may be permitted upon a finding of *no impact on flooding,* and confirmation that said changes will not result in any increase in occupancy.

29.7.4 In-ground pools and open design fencing [split rail, post and rail, etc], offering no resistance to the flow of flood waters and/or trapping of debris may be permitted upon review and approval by the Engineering and Zoning Officer[s].

29.7.5 Relocation of detached, accessory structures that will result in reduced resistance to the flow of flood waters and provide a less vulnerable location for said structures may be permitted upon review and approval of the Commission and its Staff.

29.7.6 Elevated structures located in less vulnerable fringe areas beyond the floodway, and where the depth of flooding is less than two [2.0] feet may be permitted upon certification by a registered professional [with supporting data] demonstrating that the encroachment will not result in any increase in flood levels upstream or downstream of the site, or cause the flood peaking time to be modified, or reduce the area available for flood storage.

29.8 PROCEDURE: The permitting procedures applicable to all activities within the *Farm River Floodplain Overlay District* shall be those normally applicable in the underlying zoning district. No such zoning permit application shall be approved by the Zoning Administrator/Enforcement Officer until the Zoning Administrator and the Town Engineer have endorsed the application as in compliance with this Section, and any required Development Permit under the provisions of the *Flood Damage Prevention and Control Ordinance* has been issued.

29.9 OTHER:

29.9.1 Variance: Notwithstanding the variance procedures set forth in the *Flood Damage Prevention and Control Ordinance,* no variance in any of the zoning provisions set forth in this Section shall be granted by the Zoning Board of Appeals.

29.9.2 Minimum Requirements: In the interpretation and application of these regulations, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent thereof.

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29.9.3 **Liability:** The degree of protection provided by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can, and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the delineated areas or uses permitted within such areas will be free from flooding or flood damages. These Regulations shall not impose liability on the part of the Town of East Haven or the Planning and Zoning Commission, or any officer or employee thereof.

29.9.4 **Other Permits:** Nothing in these Regulations shall obviate any requirement for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits or licenses is solely the responsibility of the applicant.

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SECTION 30: TECH PARK/ECONOMIC DEVELOPMENT DISTRICTS (TP/ED)
[adopted June 5, 2002]

30A.1 PURPOSE: Tech Park/Economic Development Districts may be established for the location of research development and related production activities and light manufacturing activities and offices and other quality economic development activities on sufficient land to permit efficient and adequately serviced development, protected from other inconsistent and undesirable uses. Such districts will be designed, regulated and located in such a way that they will not encroach upon established single family residential neighborhoods. Within such district only those Principle Uses specifically set forth herein may be considered and no such use can be authorized unless specifically approved by the Commission after a public hearing and the individual scrutiny of detailed plans encompassing all aspects of operations, site layout, building design and construction, traffic and other potential impacts associated with such use. Such district is designed to encourage the development of a balanced employment mix within the Town and improve the local tax base.

30A.2 AREA: The tract of land for which petition is made for the establishment of a TECH PARK/ECONOMIC DEVELOPMENT DISTRICT shall contain an area of not less than 350,000 square feet (8 acres) and shall have a primary point of vehicular access directly to a State Highway or within 500 feet of a State Highway or an established, acceptable commercial/industrial service road.

30A.3 PETITION: A petition for the establishment of a TECH PARK/ECONOMIC DEVELOPMENT DISTRICTS shall be submitted to the Commission in writing, shall be signed by the owner or owners of all parcels within the proposed District and shall comply with the provisions of Sections 56, 57 and 58 of these East Haven Zoning Regulations.

30A.4 PROCEDURES: After receipt of a complete petition for the TECH PARK/ECONOMIC DEVELOPMENT (TP/ED) DISTRICT, the Commission and its Staff shall review the petition for completeness and during this review may confer with the petitioner and may request additional information concerning the reasonableness of the proposal to fulfill the intended purposes. The Commission shall hold a public hearing on the petition in the same manner and with the same notice as required for amendment of these Regulations. The Commission may request additional information for presentation prior to or at the public hearing relative to sanitary sewerage and other waste disposal services, traffic information, fire protection, other public infrastructure impacts and such other information it deems appropriate. After the public hearing, the Commission may deny or adopt the TP/ED DISTRICT, only after the Commission makes the findings necessary for the amendment of these Regulations. If the petition is adopted, the Commission shall give notice of such adoption in the manner as required for the amendment of these Regulations and shall file said amendment, together with a copy of the Commission's Resolution of Adoption, in the Office of the Town Clerk. Adoption of a TP/ED DISTRICT does not authorize any Permitted Use but simply allows consideration of applications for certain uses on an individual basis.

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30A.5 **PERMITTED USES**: The following shall be the only uses permitted in any TP/ED DISTRICT and any use not specifically listed below or included within a category of permitted uses is specifically prohibited. All Principle Uses set forth below shall be considered as special uses and processed in accordance with the procedures set forth herein.

30A.5.1 **Principle Uses:** The only permitted Principle Uses are as follows:

30A.5.1.1 Buildings, uses and/or facilities of and for the Town of East Haven.

30A.5.1.2 Research development and testing facilities and laboratories and similar technology facilities.

30A.5.1.3 Light manufacturing, compounding and assembly facilities.

30A.5.1.4 Large scale single and/or multi-tenant office buildings.

30A.5.1.5 Medical laboratories and research facilities.

30A.5.1.6 Medical and dental clinics, including out-patient treatment facilities.

30A.5.1.7 Printing and publishing facilities.

30A.5.1.8 Business and professional offices, including banks and other financial institutions, specifically excluding free-standing customer-service banks.

30A.5.2 **Accessory and Subordinate Uses and Activities:**

30A.5.2.1 Child daycare activities/facilities subordinate to and primarily intended to serve the employees of that facility and/or the park.

30A.5.2.2 Health, exercise and other athletic facilities contained within and restricted solely to the employees of the authorized Principle Use.

30A.5.2.3 Food service facilities, cafeterias and similar food dispensing outlets, only when contained within and clearly accessory, complimentary and subordinate to an authorized, Principle Use.

30A.5.2.4 Auditoriums and assembly halls. specifically excluding public' movie theaters.

30A.5.2.5 Medical rehabilitation and therapy facilities when complimentary and subordinate to an authorized Principle Use. but excluding drug and alcohol related facilities.

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30A.5.2.6 Retail sales of products manufactured, compounded, assembled or stored on the premises, subordinate to the authorized Principle Use on the same premises and not exceeding ten (10%) percent of its floor area

30A.5.2.6 Land clearing, grading, filling and/or earth and rock excavation and removal when clearly related to one or more of the following authorized activities:

30A.5.2.6.1 the preparation of an area for future subdivision and development in accordance with preliminary grading plans approved by the Commission; or

30A.5.2.6.2 the preparation of an individual site for a specific, approved Principle Use in accordance with a grading plan approved by the Commission; or

30A.5.2.6.3 when authorized by a Temporary Special Exception granted by the Commission in accordance with the requirements of Section 31 of the Zoning Regulations.

Said earth and/or rock excavation and removal may include the temporary Crushing, processing and stockpiling of material for reuse on the site and removal of excess excavated and processed materials not required for on-site reuse but shall not include commercial disposal purposes at retail. All required mechanical equipment associated with the crushing and processing activity must be located not less than SOO feet from any Residence R-1, R-2, R-3, R-4 and R-5 District. Hours of operation shall be established by the Commission. All crushing and processing activity shall be completed within a time of two (2) years, which time may be extended by the Commission for projects of a substantial scale and based upon satisfactory operational performance.

30A.5.2.7 All authorized uses may include related signage and supporting off-street parking, loading and related structures, facilities and activities as permitted and regulated by these Zoning Regulations.

30A.6 PROHIBITED USES: Land, buildings, and other structures shall only be used for one or more of the permitted uses specifically identified above, and any use not so identified is prohibited. Notwithstanding the above and those uses specifically prohibited as set forth in Section 24.2 of these Regulations, the following uses and activities, the listing of which is not intended to be exhaustive, are specifically and expressly prohibited:

30A.6.1 Any biomedical testing activities and processes involving human and/or animal tissue products and the generation of biomedical waste products.

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30A.6.2 Any activity which utilizes fissionable or. radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground or sewerage systems, and any activity which emits disturbance affecting the operation or any equipment other than that of the creator of such disturbance.

30A.6.3 Any activity resulting in the emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the activity.

30A.6.4 Any activity resulting in the emission of noxious or corrosive fumes or gases which would be injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use. The Commission shall be the sole judge of those uses and activities that are deemed to be encompassed by the above.

30A.7 INFORMAL CONSIDERATION: The Commission recommends that, prior to submission of a formal application for approval of a Principle Use, the applicant review the development proposal with the Commission and/or its staff, in a preliminary and informal manner. Such preliminary plans should contain sufficient information to understand the nature and scope of the proposal, including an evaluation of the adequacy of supporting utilities, roadways and other infrastructure or contemplated improvements thereto. Additional information may be requested and the Commission, Mayor may not render a non-binding opinion on the proposal.

30A.8 APPLICATION REQUIREMENTS: An application for the establishment of a proposed Principle Use shall be submitted to the Commission in writing as a Site Plan Application, signed by the owner or owners of the land encompassed by the proposal and shall be accompanied by the following:

30A.8.1 **Statement:** A written statement describing in detail the nature and operation of the proposed use, including such information as the number of employees, frequency and volume of trucking, hours of operation, nature of waste products and methods of waste disposal, etc. as well as design features. Twelve (12) copies shall be provided.

30A.8.2 **Development Plans:** Development Plans for the proposal including property maps, site plans, architectural plans and other drawings as relevant and in sufficient detail to show the existing site' conditions and the improvements proposed to be constructed on the site, the open areas to be preserved, the nature and location of the proposed structures and/or uses, the relationship of the proposed development to the surrounding properties and other pertinent information. The level of detail on the Development Plans shall be preliminary but in sufficient detail to allow a proper review and conditional action by the Commission. At the discretion of the applicant,

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said Plans may be submitted as Final Development with all necessary final engineering design and complete details to allow a detailed review by the Commission, staff and all other departments, leading to a final decision by the Commission. Twelve (12) copies of all plans shall be provided, assembled and bound as sets of Development Plans and clearly titled as Preliminary or Final. Where possible, maps should be drawn at a minimum scale of 1" = 40', but in no case less than 1"=100', and where applicable shall be prepared and certified by an architect and/or professional civil engineer licensed to practice in the State of Connecticut and shall contain the following:

30A.8.2.1 Property Map: A boundary map showing location and size of property with an accuracy meeting or exceeding standards for a "Class A-2 Transit Survey" as defined by the Connecticut Technical Council, Inc.

30A.8.2.2 Existing Conditions Map: A separate map showing existing zoning boundaries, the boundaries of officially designated inland and/or tidal wetlands areas, topography, vegetation, significant natural features and resources and existing structures including the use, dimensions and locations of each.

30A.8.2.3 Site Development Plan: A plan of all proposed buildings and other structures, including use, dimensions and locations of each, as well as proposed vehicular and pedestrian circulation patterns including locations and dimensions of private and public streets and common drives and walkways, off-street parking facilities with dimensions, including location, size and number of parking spaces and other pertinent information. A tabulation of the required standards as compared to the actual design standards used shall be included.

30A.8.2.4 Engineering Plans: Separate plans presenting engineering information and designs, including grading, storm drainage, utilities, drives, parking areas, and other improvements. All utility lines shall be placed underground. A sedimentation and erosion control plan in accordance with the provisions of Section 47 and capable of certification shall be included, as well as a storm water management plan in accordance with the provisions of Section 48 of these Zoning Regulations. The storm water management plan shall also comply with all Local and State requirements, attaining the removal of at least 80% of Total Suspended Solids (T.S.S.) and shall make every reasonable effort to retain the initial one inch of rainfall on the site.

30A.8.2.5 Landscaping Plan: A plan showing the proposed landscaping treatment shall be provided, including topography, natural resources, wetlands, and other natural features to the extent they are significant to the landscaping treatment and natural resource

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protection. It shall show treatment of any unused areas, screening, types of plantings by common and botanical names, size, location and quantity. Plant material selection shall give preference to native, non-invasive plant species. Any areas to be maintained by someone other than the Applicant shall be so· designated. Locations of signs, hydrants, and lighting fixtures shall also be shown.

30A.8.2.6 Architectural Plans: Drawings of all proposed buildings and other structures shall be submitted, including floor plans of all levels, elevations of all sides of all structures. perspective drawings and rendering to the extent necessary to portray building designs and relationships, and general descriptive information relative to type of construction and types of building materials and specific exterior materials and finishes proposed. Any proposed building signage shall also be shown.

30A.8.2.7 Other Documents: A report or reports, as necessary, showing the proposed method of handling sewage disposal, other waste disposal, water supply, storm drainage discharge, capacity of watercourses, volumes of additional discharge, improvements needed and/or proposed and the design basis, projected development scheduling and contemplated financing program. In addition-, the applicant may wish to submit or the Commission may request the applicant to submit additional information concerning traffic, soils conditions, marketability, environmental impacts, project model, copies of restrictive covenants, easements, deeds, etc.

30A.8.2.8 Fees: A fee in the amount of $500.00 plus a $150.00 fee for advertising/publication costs at the time of initial application, plus an additional fee at the submission of Detailed Development Plans in the amount as determined by the Commission for the administrative review of Site Plans.

30A.9 STANDARDS and CRITERIA: The standards and criteria hereinafter set forth are applicable to the establishment of a Principle Use in any delineated TP/ED District and, except as specifically modified herein, are in addition to standards applicable throughout Town as well as those standards and criteria normally considered by the Commission in the granting of any Site Plan approval.

30A.9.1 Lot Area, Shape and Characteristics: The lot for any proposed Principle Use shall contain not less than 80,000 square feet. Not more than 10 percent (10%) of the minimum required lot area shall consist of ponds, marshes and designated tidal and inland wetland areas. Any such area in excess of 10% shall be considered ineligible lot area. Each lot shall have a minimum frontage of 50 feet on a street

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and shall be of such shape that a square with a minimum dimension of 200 feet will fit on the lot

30A.9.2 **Setbacks:** Buildings and other structures may extend to within 50 feet of any street line and 20 feet of any other property line, except that the minimum setback from any Residence District Boundary shall be not less than 100 feet. Buildings and other structures housing uses or activities deemed by the Commission to constitute biotech uses or activities with potentially detrimental impacts shall be set back not less than 500 feet from any Residence R-1, R-2, R-3, R-4 or R-5 District boundary.

30A.9.3 **Height:** Building and other structures shall not exceed a maximum height of 40 feet.

30A.9.4 **Lot Coverage and Floor Area Ratio:** The maximum lot coverage by buildings and other structures as a percentage of the eligible lot area shall not exceed 35 % and the maximum lot coverage by all buildings, pavement and other impervious surfaces as a percent of the eligible lot area shall not exceed 65 %. The maximum total floor area as a percent of the eligible lot area shall not exceed 80 %.

30A.9.5 **Outside Storage:** In any Tech Park/Economic Development District (TP/ED), outside storage areas shall not exceed 15% of the lot area, and shall not include the outside display and/or sale of merchandise. No outside storage area shall extend into the area required for setback from a property line, street line or Residence District Boundary line, and, except for necessary access drives and/or permitted display/sales areas, shall be enclosed by fences, walls, embankments and/or evergreen shrubs or trees so as to screen said area from view from any street or other lot.

30A.9.6 **Site Development and Landscaping:** In any Tech Park/Economic Development District (TP/ED) not more than 50% of the area required for setback from a Residence District Boundary line shall be used for off street parking or loading. Along and adjacent to any Residence District Boundary line a landscaped buffer not less than 30 feet in width shall be preserved in its natural state if already wooded or shall be planted With evergreen trees sufficient in size, quantity and spacing to grow into a dense, evergreen buffer within no more than five (5) years. No part of the area required for setback from a street line shall be used for off-street loading and all off-street loading docks/areas shall be visually screened from view from any street. Up to 60% of any required street and/or property line setback may be used for off-street parking and/or driveways provided there is a green belt having a width of 20 feet along the street and 10 feet along any property line, except where interrupted by entrances and/or exits.

30A.9.7 **Signage:** All signs shall conform to the basic provisions of Section 43 and are subject to final approval of the Commission based on a review of design, location, graphics and materials used. Notwithstanding the above, any multiple-tenant ground sign in connection with any Principle Use and located within a required

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setback area shall be limited to identifying only those major tenants occupying at least 15,000 square feet of gross leasable area each.

30A.9.8 **Utilities:** A permitted Principle Use shall be served by municipal sanitary sewers and public water supply. All utilities including but not limited to electric, telephone, cable and others shall be located underground.

30A.9.9 **Parking:** Off-street parking spaces shall be provided as required by Section 42 of these Regulations. Notwithstanding Section 42, any use rendering services to customers and clients on the premises on a regular basis shall provide one (1) space for each 200 square feet of floor area of such use. All parking facilities shall be designed as an integral part of the overall site design, properly arranged to assure convenience and safety of operation, attractively landscaped through ample use of trees, shrubs, hedges, walls, fences and concrete curbing. In general, multiple bays of parking shall have longitudinal landscaped separations between every two (2) parking bays. All separations and islands shall be curbed and raised.

30A.9.10 **Building Design, Form, Massing and Materials:** It is the intent of the criteria set forth herein to promote aesthetic enhancement throughout the Tech Park/Economic Development (TP/ED) district that is visually attractive and a:msistent with the overall character of the Town and the area, utilizing quality site planning, architectural design and landscape treatment. Accordingly, all architectural designs and site plans will be reviewed by the Planning and Zoning Commission for consistency with this objective. Building form and massing shall be consistent with other existing buildings in the general area, avoiding dramatic changes in bulk and scale when structures are in close proximity to each other. Exterior walls shall in general be predominately of brick or other masonry materials. Wood, metal or other siding featuring predominately painted exteriors is not permitted.

30A.9.11 **Landscaping and Screening:** All disturbed areas of the site not covered by buildings or pavement shall be appropriately landscaped so as to be aesthetically pleasing and to preserve and enhance adjacent property values. The location, height and materials of walls, fences, berms, hedges and other plantings shall adequately screen parking and loading areas, utility installations and similar features and ensure compatibility with the character of adjacent development. All refuse collection areas shall be located convenient to the service entrance or loading area of the building, shall be easily accessible to service trucks, shall be enclosed by walls consistent with the building design and materials and shall be gated. All screen walls and other devices used to shield service areas, utility facilities, mechanical system features and components and other such features from direct view shall reflect or compliment the building materials and finished in a manner consistent with the overall architectural design. The visual impact of all roof mounted mechanical equipment shall be minimized by utilizing parapet walls and/or other appropriate screening.

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30A.9.12 Exterior Lighting and Noise Control: All exterior lighting and illuminated signs shall be designed to be compatible with the surrounding area and shall be located, arranged, installed and directed in such a manner that any glare shall be completely imperceptible from any point along the property lines. Buildings and accessory facilities shall be designed and arranged so that no sound shall have objectionable intermittence, volume, beat frequency or shrillness characteristics noticeable at the property line. The installation of sound absorptive shielding on the site, in the form of mounds, berms, vegetative screening or other suitable noise barriers, may be required to attain needed protection of nearby residential areas.

30A.9.13 Performance Standards: Any use established in the TP/ED District shall comply with the performance standards set forth above and in Section 41 of the Zoning Regulations. To assure such compliance, the Commission may select and arrange for an independent survey by a person or firm qualified in the particular field to determine whether or not any structure, use or activity satisfies the applicable performance standards. All costs associated with obtaining such services shall be paid by the owner or user.

30A.9.14 Professional Standards: All maps, plans and technical drawings shall be designed by and bear the seal of a qualified, licensed professional engineer, architect, landscape architect and/or surveyor, as pertinent to the particular document.

30A.10 PROCEDURE and ACTION: After receipt of an application for a proposed Principle Use, the Commission and its Staff shall review the application for completeness and during this review may confer with the applicant and may request additional information concerning the reasonableness of the proposal to fulfill the intended purposes. The Commission shall hold a public hearing on any Principle Use Application as set forth herein, with notice as provided for in the General Statutes and the provisions of Section 56 of these Regulations. The Commission may request additional information for presentation prior to or at the public hearing relative to sanitary sewerage and other waste disposal services, traffic information, fire protection, other public infrastructure impacts and such other information it deems appropriate. After the public hearing and review of the information submitted, if the application materials and plans are preliminary and lack final detailed engineering and designs, action of the Commission shall be limited to conditional approval, subject to the submission of all final detailed information and Final Development Plans.

30A.11 FINAL DEVELOPMENT PLANS: When Final Development Plans are submitted subsequent to a conditional action, such plans shall be submitted within 12 months of the date of the Commission's conditional action and shall be accompanied by a written statement identifying the changes and modifications made in the preparation of the Final Development Plans.

30A.12 FINAL ACTION: Upon the receipt and review of final detailed materials, the Commission may deny, approve or modify and approve the Principle Use. In reviewing a Principle Use Application, the Commission shall take into consideration the public health, safety and

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general welfare and may prescribe reasonable conditions and appropriate safeguards to assure the accomplishment of such standards and objectives. If the Application for the Principle Use is approved, the Commission shall give notice of such approval in the manner as provided for the approval of a Special Exception as set forth elsewhere in these Regulations. A copy of the approval together with a copy of the Commission's Resolution of Approval, shall be filed in the Office of the Town Clerk and recorded in the Land Records. In approving the proposed Principle Use, the Commission shall find that the application complies with the standards and provisions set forth herein and shall determine that the proposed Principle Use conforms to the overall intent of these Regulations, and in each case shall consider the following:

30A.12.1 Plan of Development: The degree to which the proposal will be in conformance with the Town's Plan of Development Update or any officially adopted supplement thereto.

30A.12.2 Neighborhood: The erect of the use on the existing and future character of the immediate neighborhood to assure that the use will not have an adverse effect on adjacent areas located within close proximity to the use and will not prevent or inhibit the orderly growth and development of the neighborhood.

30A.12.3 Traffic and Circulation: The effect on traffic and circulation on and off the site, the amount of and access to parking and the adequacy of emergency access, to assure that the use will not interfere with pedestrian circulation and will not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.

30A.12.4 Adequacy of Utility Services: The effect of the use on ground water supplies, the adequacy of public water and sewer facilities and/or the adequacy of storm water disposal systems to avoid significant adverse effects thereon.

30A.12.5 Lighting: The effect of the lighting system in terms of location and type of display signs and site lighting, loading and service areas, landscaping and pedestrian walkways.

30A.12.6 Building Arrangement: The design, materials, height, location and orientation of principal and accessory buildings in relation to other structures, so that they will be in scale with and compatible with surrounding uses, buildings, streets and open spaces.

30A.12.7 Stormwater Quality: The degree to which the proposal will comply with and attain the goals of best management practices and Local and State requirements and recommendations of the Connecticut Department of Environmental Protection (D.E.P.).

30A.12.8 Resource protection: The degree to which the proposal fosters preservation and

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protection of natural resources on and in proximity to the site and implements the recommendations of the Connecticut D.E.P.

30A.12.9 **Scenic Vistas:** The degree to which the use will obstruct significant views which are important elements in maintaining the character of the Town or neighborhood for the purpose of promoting the general welfare and conserving the value of buildings.

30A.12.10 **Buffers:** The degree to which the use is separated or buffered from such unrelated uses as nearby residential areas, churches, schools and public buildings.

30A.13 **SITE RESTORATION and/or COMPLETION BONDS:** Prior to any preliminary site work and/or the issuance of any Zoning Permit to authorize construction, the applicant shall file with the Commission a bond, in form, and surety approved by the Commission and in an amount as approved by the Commission to guarantee restoration of the site in the event construction does not proceed as planned, as well as the faithful performance and completion of all required site work within any public roads and rights-at-way, and such other critical site improvements and landscaping as deemed necessary by the Commission. Said bonds shall have a specified time period as determined by the Commission but not more than two (2) years from the date of issuance of the Zoning Permit authorizing construction. If necessary, said time period may be extended by the Commission upon good cause shown by the applicant. In any event, no Certificates of Occupancy shall be approved until all site improvements have been completed to the satisfaction of the Commission or sufficient bonding has been posted to guarantee 100% completion of the remaining outstanding work.

30A.14 **ADDITIONAL LIMITATIONS:** The following additional limitations shall also apply to any approved Principle Use:

30A.14.1 **Changes after Approval:** Any significant proposed or required change in the approved Final Development Plans shall be submitted to the Commission for review and action, prior to implementation of such changes. Site plan changes and adjustments that do not materially change the use, site organization, intensity or other such aspects may be approved by simple resolution of the Commission. Major changes to the proposed activity, site design, and/or the size and/or intensity of the use shall be processed in accordance with these Regulations as a new application. Minor adjustments and changes brought about by site conditions and/or construction refinements that do not materially change any of the basic elements of the Final Development Plans may be made by, and at the discretion of, the Planning and Zoning Administrator.

30A.14.2 **Failure to Proceed:** If the applicant fails to secure necessary permits and commence actual construction within six (6) months of the date of approval of Final Development Plans, or within any time extension thereof granted in writing by the Commission for good cause shown, the approval of the Principle Use shall become null and void and any permits issued shall be rescinded.

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30A.14.3 Violations: Failure to comply with any of the terms, conditions, restrictions or requirements of the Final Development Plans or any other documents and/or provisions in Connection with an approved Principle Use Application shall constitute a violation whereby the Commission is empowered to revoke such approval. Notice of such action shall be sent to the applicant within five (5) days of such action by the Commission. During the construction period, the Planning and Zoning Administrator shall periodically review progress and report his findings to the Commission. If it is determined that there are significant areas of noncompliance with representations, plans, schedules, or other matters, the Commission is empowered to suspend further construction until necessary compliance is achieved.

SECTION 30B DEVELOPMENT IMPROVEMENT DISTRICTS

30B.1 PURPOSE: The purpose of this zone is to permit and facilitate the development of comprehensively planned commercial-mixed use developments in accordance with the Plan of Conservation and Development by providing flexibility in the design to create a community environment which accommodates current and future economic forces and enhanced community character.

30B.2 APPLICABILITY: The Planned Development Improvement District shall be considered a floating zone. Properties in East Haven identified within one of the Development Improvement District areas may be considered for rezoning to this zone only if in conformance with the following conditions.

30A.2.1 The Development Improvement Districts shall be as indicated on the Town Zoning Map. The regulations of the underlying district shall be applied unless and application submitted in accordance with the requirements of Development Improvement District as approved by the Planning and Zoning Commission.

30A.2.2 Developments applied for and approved in accordance with the requirements of this section shall conform with the requirements of this section shall conform with the requirements of this section but are not required to conform to the requirements of the underlying district, including the bulk, setback and parking requirements.

30B.3 PERMITTED USES:

30A.3.1 All uses permitted within the underlying district in accordance with Schedules A and B of the East Haven zoning regulations.

30A.3.2 Commercial, industrial and residential use in conformance with the intent of the regulations and the plan of Conservation of Development as determined by the commission. Properties may be considered for development and use in accordance with the following standards and requirements of the Development Improvement District:

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a. Minimum parcel size two (2) acres. A parcel in existence at the date of approval of this section which is two acres or larger may not be divided or diminished in size to be considered for development in accordance within the Planned Development Improvement District.

b. Available public water and sewer service.

c. Comprehensive development plan for the entire subject area.

d. Conformance with the Plan of Conservation and Development.

30A.3.3 All proposed development in accordance with the Development District shall be in accordance with a Conceptual Site Plan, approved by the Planning and Zoning Commission.

30B.4 SITE DESIGN: The commission shall consider the following factors in their review of the application for zone change- Concept Plan Approval. It is understood that not all these factors are relevant to all situations.

30A.4.1 BUILIDNG DESIGN AND PLACEMENT:

a. Architectural styles like recently constructed high quality commercial and mixed-use developments planned and/or constructed within Southern Connecticut with an emphasis on a traditional New England styles and scale look as much as appropriate. Applicants should use decorative details on the exterior of the building appropriate to the architectural style that is being emulated. Buildings should have minimum details of window sills and frames and door frames. Other details such as quoins and lintels are encouraged.

b. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors, unless the Commission determines that it is not feasible due to reasons such as topography and site layout. Mansard roof or gabled roofs are preferred with flat roofs only being permitted where the proposed structure in taller than adjacent structures. Flat roofs should have a parapet and cornive appropriate to the architectural style of the building. More ornamental architectural details such as dentils, corbels, and an ornamental frieze are encouraged.

c. The building shall be oriented towards the public street in the placement of entrances, store windows, façade treatment and other relevant factors.

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30A.4.2 PEDESTRIAN CIRCULATION: The design of these areas should include a complete pedestrian circulation system, which emphasizes internal pedestrian circulation including:

a. The area should be pedestrian linkages to neighboring properties and the surrounding neighborhood to the overall benefit of the neighborhood.

b. There should be convenient internal circulation integrated with the external pedestrian linkages.

c. Sidewalks along the road frontage should be installed and/or improved to contemporary standards.

d. There should be adequate facilities for bicycles, including bicycle lanes, paths and storage racks, as appropriate.

e. The plan shall include public gathering areas suitable for sitting, meeting etc. The area shall be equipped with benches or charis, pedestrian scaled lighting, and adequate trash receptacles. For larger developments, features such as public art are encouraged to be included.

30A.4.3 VEHICULAR CIRCULATION AND PARKING: The overall parking proposed shall be sufficient to accommodate the carious uses proposed within the site plan, as to location, time of use, and other factors as determined by the Commission, based upon the analysis submitted as part of the application. The project is not required to conform to the parking requirements as called for in Section 42, but should comply with the following:

a. The use of joint parking and access is strongly encouraged.

b. The impact upon traffic congestion should be minimized.

c. Wherever feasible, measures which coordinate vehicular access with adjacent properties should be planned and implemented.

d. The parking areas should be visually screened form the public street, adjacent properties and off-site residential areas. The screening shall be using plantings, decorative rock or masonry walls, or other treatments determined to be appropriate by the Commission.

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30A.4.4 OVERALL SITE DESIGN:

a. All areas of the sire not covered by buildings, parking areas and driveways shall be suitably landscaped in a manner to create a beneficial component of the Town and the neighborhood. The design shall include necessary maintenance considerations such as watering, level of upkeep and the suitability of the landscaping species to thrive in the specific environment.

b. Decorative paving materials for wlakways and plazas and other non-vehicular surfaces should be utilized in the appropriate situations.

c. Where suitable, the development should contain attractive entry features.

30A.4.5 SIGNAGE:

a. Signage shall be consistent with an overall them approved by the Commission, based upon the size of the proposed development, type of uses proposed, layout of the proposed structures, in a manner consistent with the intent of this regulation.

b. The use of colors and materials consistent shall be consistent with the overall theme with a minimal use of bright coloring.

c. Internally illuminated signs are not permitted. External light may be used in a manner which does not create additional glare or nuisance.

d. The signs shall be designed in scale with the proposed buildings and neighboring areas. They should only be large enough to identify the location of businesses or components of the development.

e. The signage as approved by the Commission shall be incorporated within the approved conceptual plan.

30A.4.6 PHASING: The Conceptual Plan may be proposed in phases, subject to approval of the commission.

30B.5 PROCEDURAL REQUIRMENTS:

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30A.5.1 INFORMAL CONSIDERATION: It is recommended that prior to the submission of a formal application for approval of an application for Conceptual Plan Approval, the applicant reviews it with the Commission and its staff in preliminary and informal manner.

30A.5.2 APPLICATION: A petition for a change of zone for Conceptual Site Plan approval within the Planned Development Improvement District shall by submitted to the Commission in accordance to the requirements for application for site plan and special exception approval of Article III, and shall be accompanied by the following:

a. Statement indication the proposed uses of the area, special design considerations and features, architectural guidelines and themes, and how the proposal is consistent with the purpose of the Planned development Improvement District.

b. Conceptual Plan which shows the general intent of the proposal. The following information shall be presented in enough detail to allow the Commission to determine if the plan is in the spirit of the Zone's intent, in addition to the information required under Article III:

i. Location and size of property, including a boundary map and a map showing the project sire in the context of the surrounding area.

ii. General building and parking layout.

iii. Parking analysis to determine the projected parking demand of each use by time, the proximity of the parking to each use, the need for all day parking for specific uses, and times of peak parking demand for each proposed use, and relevant other issues.

iv. Proposed size, area, bulk, height, building envelope and square footage of the proposed buildings and uses.

v. Concept plan for uses to be proposed which may not necessarily include specific tenants.

vi. General vehicular and pedestrian circulation showing all proposed public and private drives, walking paths, sidewalks, and means of traffic calming and/or pedestrian safety.

vii. Proposed public areas such as parks, laen areas and recreational facilities.

viii. Landscaping and lighting plans showing areas of existing mature trees, all existing and proposed surface water resources, proposed landscaping treatments, proposed open space and recreational areas, and detail of proposed pedestrian-scaled lighting fixtures to be used.

ix. General streetscape and architectural design or theme, with exterior elevations, perspective drawings and descriptive information regarding building materials and exterior finishes.

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x. Tentative construction timeline and phasing plan.

xi. Existing and proposed utility plan.

xii. Traffic impact analysis, which describes the potential impact of the proposed used on public roads, and if needed, includes recommended improvements to such roads; and the adequacy and efficiency of the proposed internal circulation system. The Commission may request that the traffic impact be analyzed as to individual components of the overall plan.

xiii. Economic and fiscal impact of proposed development, including the potential impact upon municipal finances and the potential impact upon the economy of the Town.

xiv. Market study which analyzes the short and long-term potential demand for the proposed uses for the purpose to enable the Commission to determine of the project is potentially feasible.

xv. Overall neighborhood impact analysis and conformance with the Plan of Conservation and Development.

xvi. Other Information which may be required by the Commission.

xvii. Phasing plan if necessary.

30A.5.3 REVIEW OF CONCEPT PLAN: Upon the determination that the application is complete and its acceptance, the application shall be reviewed by the Commission.

a. After the application submission has been deemed to be complete and accepted, it shall be reviewed at a public hearing in accordance with Article III.

b. After the public hearing, the Commission may disapprove or give approval to the Concept Plan or approval subject to modifications. Approval of the Concept Plan shall not constitute final approval and shall simply authorize the submission of Site plans setting forth in the detail the specifics of the proposed development and showing any modifications specified by the Commission.

c. The approved Concept Plan, along with approved conditions and requirements shall be the governing tool for the zoning of the Planned Development Improvement projects.

d. Property owners may apply for changes to the approved concept plan. If the Commission determines that the proposed changes are minor, in that thet do not have a significant impact upon the overall character, impact function or circulation of the development, the Commission may approve the minor changes through a site plan amendment. However, if the Commission determines that the proposed changes are significant for any reason, they shall require that an application for a change of the conceptual plan be submitted ad considered in accordance to the procedure of Section 58.

e. A Site plan for at least the first of the approved phases of the development shall begin within two years of the date of the approval of the conceptual site plan

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and zone map change. If no work has commenced within two years of the approval of the site plan, as evidenced by the issuance of a building permit for at least one of the principal structures on the site, the Commission shall ha ve the discretion to revoke the approval of the zone map amendment and the conceptual site plan.

f. After the public hearing the Commission may disprove or give approval to the Concept Plan or approval subject to modifications. Approval of the Concept Plan shall not constitute final approval of the Village Center Mixed Use District and shall simply authorize the submission of Site plans setting forth in detail the specifics of the proposed development and showing any modifications specified by the Commission.

30A.5.4 SITE PLAN:

a. A site plan and application shall be submitted to the commission as required by Article III of the Zoning Regulations.

b. Criteria for Approval of Site Plan- The Commission may approve the Site plan only after the commission finds that the Site Plan is consistent with the approved Concept Plan and any other applicable sections of the East Haven Zoning regulations.

30B.6 REGULATORY REQUIRMENTS:

a. The approved Concept Plan, along with approved conditions and requirements shall be the governing tool for the coning of the Planned Development Improvement District.

b. Property owners may apply for changes to the approved concept plan. If the Commission determines that the proposed changes are minor, in that they do not have a significant impact upon the overall character, impact functions, or circulation of the development, the Commission may approve the minor changes through a Site Plan amendment. However, if the Commission determines that the proposed changes are significant for any reason, they shall require that an application for a change of the conceptual plan be submitted and considered in accordance to the procedures of the Section and Article III of the East Haven Zoning Regulations.

c. A Site Plan for at least one of the approved phases of this development shall be filed within two years of the date of the approval of the conceptual site plan zone map changes. If no work has commenced within two years of the approval of the site plan, as evidenced by the issuance of a building permit for at least on the the principal structures on the site, the Commission shall have the discretion to revoke the approval of the zone map amendment and the conceptual site

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plan, and rezone the property to its original zoning district.

SECTION 30C VILLAGE DISTRICTS

30C.1 PURPOSE: The purpose of the Village District is to preserve the character of the downtown and surrounding area, and to guide improvements in keeping with this character. Downtown East Haven is the heart of this community, with a concentration of civic and religious institutions, retail uses and the Town Green. Together with the surrounding areas it is the core of the community.

In order to nurture the physical qualities that support this sense of place, the Village District established a design review process to advise the Commission on aesthetic concerns. Guiding principles of this review process are:

a. To protect distinctive architectural character, historic structures and attractive landscaping elements and encourage compatible design in new development.

b. To create an architectural design context that promotes the history, landmarks, and character of the area and creates a marketable appeal.

c. To guide an improve the relationship and compatibility of structures, landscaping, signs, roadways, parking lots and drives, street hardware, lighting and similar features using guidance on matters such as color, material, scale, height, proportion, orientation, roof treatments and setbacks.

d. To promote activity nodes and context through the organization, placement, scale, and design of buildings.

e. To maintain and improve public views and amenities.

f. To enhance the image and pedestrian use of the Village District through use of consistent standards for the design, treatment, and layout of roadways, sidewalks, and streetscape features.

30C.2 PERMITTED USES: The village District is an overlay district as designated on the Town Zoning Map. All uses permitted in the Underlying district(s) are permitted within the Village District in accordance with the relevant sections of the Zoning Regulations.

30C.3 AUTHORITY: This regulation is adopted pursuant to Public Act 98-116, as amended, in Act Concerning Village Districts, and is authorized by Section B-2 of the Connecticut General Statues.

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30C.4 APPLICABILITY: These regulations shall apply to any building or property which requires the approval of a site plan or special exception in accordance with the East Haven zoning regulations, including new construction, and substantial reconstruction and rehabilitation of buildings and structures, the installation or change in driveways, parking, or other pavement including design and materials, the change of installation of signs and other elements which have an impact upon the visual characteristics of the property as viewed from public spaces or adjacent properties within the district.

30C.5 The following design guidelines for the Village District are intended to guide the applicant when preparing an application in the Village District. The Commission shall evaluate each application for conformity with the following guidelines in determination of the approval of each application.

30C.5.1 OVERALL DESIGN GUIDELINES:

1. Maintain privacy between commercial and single-family residential uses. Minimize adverse impacts on adjacent properties.
2. Locate all utilities underground.
3. Emphasize curb cuts and internal circulation routes with landscaping or appropriate lighting and without the need of excessive signs.
4. Provide safe and accessible access to the sire and building which blends in with the architecture and landscape of the site.
5. Minimize conflicts between pedestrians and vehicles with consistent treatments of sidewalks, driveways and parking lots.
6. Provide for snow storage or removal areas that do not damage landscaped areas. Encourage art in public spaces and along pedestrian walkways.
7. Create a strong architectural setting by locating as much of the parking as possible in the rear of the sire. Additional parking may be located on the side of the building.
8. Screen parking areas from public view by using landscaping, berms, fencing, or elements of the building.
9. Locate no more than 20 parking spaces in a row without providing for a landscaped divider.
10. Where appropriate, provide for a landscaped buffer between the parking area and the building.
11. Pave and grade parking and site to prevent storm water from crossing public sidewalks.
12. Shared parking is encouraged where site conditions and uses permit. Plan street trees along the frontage of the site to establish a canopy.
13. Utilize plant materials that provide year-round interest in clor, texture, shape or form.

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14. Avoid blocking sight lines at curb cuts and intersections.
15. Include walks as public amenities and include benches, decorative paving, walls, or other features to promote pedestrian use and gathering.
16. Install Bike racks and trash receptacles, as both are encouraged throughout the Village District.

30C.5.2 ARCHITECTURE: The following guidelines shall be incorporated in all new buildings and renovated structures within the Village District.

1. Create visual variety by avoiding large, long, or monolithic building facades without defining architectural features.
2. Incorporate existing architectural features into new structures.
3. Create visual points of interest and pedestrian amenities particularly on large tracts of land.
4. Preserve historic structures, historic character and reflect historic massing and scale where applicable.
5. Incorporate rooflines which enhance visual interest and diversity using pitched roofs, color and material. Provide a balance of massing between the building and roof.
6. The following roofing materials are encouraged: slate, wood shingles, shakes, and standing seam metal. Asphalt shingles are scceptable and should be neutral to dark in color.
7. Provide prominent building entrances oriented to the street and include features that encourage pedestrian use.
8. Utilize architectural treatments to minimize the appearance of large buildings. Provide breaks in the frontage of such buildings by incorporating appropriate features that reduce the buildings bulk.
9. Create variety in the Village District by encouraging buildings that complement one another in form, color, or architectural detail.
10. Ensure that proportions between building height, length, and width are consistent with contemporary design standards.
11. Conceal all views of roof-mounted mechanical equipment and other appurtenances by incorporating these features into the building design, not by artificial screening methods.
12. Because the Village District possesses an assortment of architectural styles, these standards do not offer any architectural style or genre. Rather, they describe basic design elements and relationships that should be adhered to in order to maintain and

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enhance the architectural fabric that currently exists.

13. Preferred building materials are brick, stone, and wood. Weel executed cast stone is acceptable if detailed and finished to be compatible with surrounding buildings. Corrugated, split block, and "cider block: exteriors visible by the public are not appropriate.
14. Materials should be used according to their logic and use of assembly and with appropriate detailing and expression. Cladding materials, such as wood siding, should not be used as a monolithic treatment, but rather broken up by appropriate trim and detailing.
15. Any new or exterior alterations should have significant trim details to be compatible with surrounding architecture. Renovation should not significantly reduce the level of architectural detail, and new construction should be detailed at a level compatible with the immediate area.
16. Trim details such as rake boards, corner boards and fascia trim should be of a material and dimension appropriate to the overall treatment of the façade.
17. Windows and doors should be balanced in their placement on buildings facades. Though literal symmetry is not necessary, a general balance among façade elements is desirable.
18. Buildings should have many windows and doors ar street level to encourage pedestrian traffic and commercial activity. Frequent entries contribute to a lively pedestrian space.
19. All exterior walls should have windows, especially if they face the street or any other public space.
20. Principal building entries should be oriented toward and visible from the street. Screen all ground-mounted equipment (e.g. "heating, ventilating, and air conditioning," electrical, gas) using evergreen plantings or architectural detailing.
21. Conceal garage doors and loading areas from view of the surrounding streets.

30C.5.3 LANDSCAPING: Landscaping shall be designed to meet the following standards to the extent practicable:

1. Outdoor areas for public enjoyment are encouraged.
2. New Development in the Village District shall include landscaping, including lawns, plantings and walkways.
3. The use if indigenous plant material and native characteristic species is encouraged. Berms may also be required by the Commission where necessary to preserve and protect residential

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uses or residential zones.

4. Landscaping shall be provided in all front, side and rear setbacks.
5. A front yard landscape buffer may be required by the Commission where necessary to preserve and protect residential property values and privacy of residential developments.
6. An Appropriate landscaped buffer shall be provided along the side and rear yards where commercial uses about residential uses or residential zones.
7. Canopy trees should be deciduous shade trees planted at least three (3) inches in caliper with a mature heigh of at least 35 feet. Trees planted under utility lines should be carefully selected so that their mature height does not interfere with the lines. Threes should be deciduous shade or ornamental trees planted at two (2) inches in caliper with a mature height of at least 12 feet.
8. Evergreens should be coniferous species planted at six (6) to eight (8) feet in height. Shrubs should be either deciduous species planes at s and one-half (2 1/2) feet in height with a mature height of at least six (6) feet or coniferous species planted at two and one-half (2 ½) feet in spread. The Mature height of all plant material should be respected in selection and design.
9. Parking areas should be provided with landscaping, to provide a buffer to adjacent properties and break up large expanses of paving.
10. The Commission may require additional landscaping or more mature plantings when circumstances require, for noise and light abatement to prevent the depreciation of adjoining residential properties.

30C.5.4 EXTERIOR SITE LIGHTING:

1. Avoid relative brightness differences with adjacent dissimilar land uses. Conceal the lighting source from the public view.
2. Coordinate lighting fixtures with architecture it serves.
3. Avoid glare leaking onto adjacent properties.
4. The height of the lighting om a pole should be consistent with that of other public and private lighting.

30C.5.5 SIGNS: All signage shall conform to the standards of the underlying zoning district at a minimum in addition to the following.:

1. Avoid visual competition with other signs in the area.

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2. Minimize the number of building and directional signs to avoid repetition. Integrate signage architecturally into the building façade.
3. Avoid repetitious signage information on the same building frontage regardless of the sign area allowed in the xoning regulations.
4. Construct freestanding monument signs at a low height whenever site conditions allow for visibility. Avoid top heavy, pole-mounted freestanding signs.
5. Do not use advertising and business slogans but identify the business and street address.
6. For buildings with more than one (1) occupant, a unified sign plan is required. The site should have an identifier sign that is generally freestanding and located at the main entrance. Signs for each occupant may be placed on the building but need to be coordinated with each occupant.
7. The color of the signs complements either the body or trim color of the structure being served.
8. The signs should be of appropriate scale to the sire and building being designed.
9. Directional signs shall be used only when necessary. These signs shall mark entrance and direct traffic. Maximum area: three (3) square feet.
10. Temporary outdoor signs used to announce grand opening or temporary sales activities shall be consistent with the requirements contained within the zoning regulations.

30C.5.6 PUBLIC AMENITIES:

1. New buildings in the Village District are encouraged to incorporate public spaces to enhance the pedestrian environment, reinforce the open space network and provide for a balance of public and private space. All open space elements should enhance a pedestrian oriented environment that has the appearance of stability, quality and safety. To this end, the following elements are encouraged.
2. Orient public space to receive the maximum direct sunlight possible, using trees, overhangs and umbrellas to provide shade in the warmest months.
3. The design of planters, landscaping, walls and other street elements should allow visibility into and out of the open space.
4. Public spaces can feature art works; street furniture and landscaping that invite customers or enhance the building's

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setting. Examples of desired features include walking surfaces of attractive pavers, site furniture, art work, or amenities such as fountains, seating, and kiosks.

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ARTICLE III
Special Exceptions & Site Plans

SECTION 31: TOPSOIL, SAND and GRAVEL

31.1 GENERAL: On any lot, there shall be no excavation, grading or removal of topsoil, clay, sand, gravel, stone or other natural material; or slashing of trees, or filling of land by blasting, or by use of power assisted machinery, or equipment except as authorized under section 31.3, or under a *temporary special exception*, granted by the Commission under the provisions of this Section. All filling or dredging of any pond, lake swamp or other existing body of water; or inland wetland area, or the filling or excavating of any swale, valley, slough or other area of depression is hereby prohibited, except after the granting of such *temporary special exception.*

31.2 PURPOSE: Activities which are covered by this section include excavation of earth materials; blasting; grading; deposit of earth materials, including filling and stockpiling; processing earth materials in conjunction with a contractor's business; clear-cutting; and any other earth-moving or land clearing activity. The purpose of this Section is to regulate such site clearing, earth moving and stockpiling activities so as to:

31.2.1 Minimize surface runoff of rainfall and melt water to prevent injury to adjoining properties resulting from erosion, transport of sediment and increase in overland flow of storm drainage.

31.2.2 Prevent creation or exacerbation of safety hazards, such as sharp declivities, cliffs and unstable slopes.

31.2.3 Preserve distinctive natural features such as rock outcrops and ridge lines.

31.2.4 Limit the total amount of fill material that can be placed on any lot in order to restrict the development of those parcels of land where an excessive amount of fill would be necessary in order to make the land more developable, and to prevent adverse drainage impacts on surrounding properties as a result therefrom.... and:

31.2.5 Protect the ecological process by preserving natural vegetative cover essential to maintenance of soil stability, micro-climate moderation and property values.

31.3 AUTHORIZED EXCLUSIONS and EXEMPTIONS: The requirement to obtain approval of a *temporary special exception* shall not apply to the following cases, when such excavation, grading, removal or slashing of trees, or filling of land is conducted and completed in such a manner as to cause no danger to the public health or safety, which includes, but is not limited to: stagnant water, soil erosion, water pollution or excessive drainage runoff.

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31.3.1 Necessary operations involving the filling or removal of earth materials, not exceeding *250 cubic yards* in anyone calendar year that is in direct connection with landscaping and/or the changing of contours on a lot. Said amount may be increased to *500 cubic yards,* upon the approval of a duly authorized *zoning permit.* Such filling or removal shall be completed within the calendar year and the area affected shall be completely restored, re-graded and/or planted with suitable vegetation or landscape feature within the same calendar year.

31.3.2 Necessary operations, not exceeding *1,500 cubic yards* in conjunction with the lawful construction or alteration on the lot of buildings and other structures, foundations, driveways, roads, trench work, off-street parking and loading areas, outside storage areas, storm drainage, utility services, fences, walls, wells, patios and terraces, swimming pools or any other bona fide construction project having a duly authorized *zoning permit* and building permit for the project.

31.3.3 Necessary operations in connection with reasonable improvements on the lot solely for bona fide farming purposes; such as the construction of ponds, burying of stones and/or the relocation of natural materials on the lot to increase areas of farming; or, the normal installation or repair of a septic system, subject to the approval of the East Shore Health District and the Town Engineer.

31.3.4 Necessary operations in connection with the construction or improvements and the changing of contours in an approved subdivision in accordance with the construction and grading plans approved by the Commission under the Subdivision Regulations of the Town of East Haven.

31.3.5 The normal maintenance and repair of roads and driveways, and the construction of new Town roads or any other use, including the stockpiling of street maintenance and landscaping materials, by the Town of East Haven or its authorized agent.

31.4 APPLICATION and PROCEDURES: Before the approval of any *temporary Special Exception,* the applicant shall prepare and submit eight [8] collated copies of an application for a Temporary Special Exception, containing a detailed statement of use, appropriate maps & plans prepared by, and bearing the seal of a licensed Land Surveyor, Assessor's [field] cards for all properties to be affected and such permit fees as may be required for this submission.

31.4.1 Statement of Use: Eight [8] copies of a written statement describing the proposed activity in sufficient detail to determine compliance with the *"permitted use"* [Section 24] provisions of these Regulations. Said statement shall include:

31.4.1.1 the time period proposed for the completion, and site restoration of all work

31.4.1.2 the hours and days of the week the work will take place;

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31.4.1.3 the type and total volume of materials to be deposited, removed or graded;

31.4.1.4 the total area to be "clear-cut".

31.4.1.5 the details of any proposed blasting, crushing, or stockpiling of materials

31.4.1.6 the number and type of trucks and other machinery involved in the operation.

31.4.1.7 the proposed truck access through the surrounding neighborhood and the number of trucks per day and/or hour entering or leaving the site.

31.4.2 Maps and Plans: Eight [8] copies of maps and plans, prepared and stamped by a licensed, Professional Land Surveyor showing the following:

31.4.2.1 The boundaries of the property; it's owners, the location, width and purpose of all existing and proposed easements and rights-of-way on the property; streets adjoining the site; the location of buildings and structures on the site.

31.4.2.2 A small scale map, drawn to the same scale as the Town's Assessor's Map of the area, showing the location of the site, the site's acreage, names of all abutting owners within 100 feet [in all directions] of the site.

31.4.2.3 In the area of the proposed operation, and within 100 feet thereof, the existing and the proposed field verified contours at intervals of no more than two [2] feet [referred to *"National Geodetic Vertical Datum" {N. V. G.D.}];* spot elevations at key locations and the areas of the site where earth materials may be stockpiled.

31.4.2.4 The location of all existing wooded areas, watercourses, wetlands, rock outcroppings, and other significant physical features and, where applicable, any wetlands boundary, 100 year flood line, floodway boundary and areas of slopes or depressions, 25 percent or greater.

31.4.2.5 Areas of wetlands shall be field located by a certified soil scientist. No proposed operation under this section will be conducted within 200 feet of any watercourse, pond, or swamp

31.4.2.6 Pertinent information regarding the existing and proposed drainage on the site.

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31.4.2.7 the location of all existing buildings, structures, signs, fences, walls, paved areas, curbs, curb cuts, edges of pavement, sidewalks, light and utility poles, catch basins, manholes, hydrants and other similar physical features.

31.4.2.8 The proposed location of the vehicular access to and from the site.

31.4.2.9 A complete erosion and sediment control plan

31.4.2.10 Complete details of the final site grading, stabilization and plantings at the conclusion of the operation.

31.4.3 Prior Approvals: Where, and whenever applicable, the applicant shall obtain and produce to the Commission, written approvals and/or documentation from.:

31.4.3.1 The Town of East Haven's Inland Wetland and Watercourse Commission.

31.4.3.2 The Town of East Haven's Flood and Erosion Commission

31.4.3.3 The Town of East Haven's Zoning Board of Appeals

31.4.3.4 The State of Connecticut's Department of Environmental Protection

31.4.3.5 The Army Corps of Engineers.

31.4.4 Other: The Commission is further empowered to request the applicant submit any additional information that it deems necessary to decide on the application.

The Applicant may, by written request, identify certain, specific elements of the application requirements from which he requests an exemption, along with bona fide reasons for requesting said exemption.

The Commission is empowered, by resolution to waive the required submission of all or part of the information required in section 31.4 upon a finding that the information is not necessary to decide on the application.

31.4.5 Application and Associated Fees: An application fee, in the amount of $ 250.00, plus a Publication Fee of $ 100.00 and an Inspection fee in the amount of $ 2.50 for each 1,000 cubic yards of material, or fraction thereof, to be excavated, or filled.

31.4.5 Bonding: The applicant shall file with the Commission, a performance bond in form, amount and surety approved by the Commission and the Town Engineer, to guarantee the faithful performance of the work to be undertaken in accordance with the provisions of this section.

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That upon completion of any operation approved and bonded under this section, the applicant may request and receive a return of his bond after the work, as approved is completed to the satisfaction of the Commission and it's technical staff and after all affected areas have been restored and/or replanted or landscaped to the satisfaction of the Commission and it's technical staff.

The Commission is authorized to a separate, additional bond in form and amount and with surety acceptable to the Town Engineer to protect the Town of East Haven from damages caused to Town roads, sidewalks, bridges, drainage facilities, curbs or landscaping as a result of the activities associated with this Section.

31.4.5.1 Liability Insurance: The applicant shall obtain and maintain liability insurance with a limit of not less than $ 250,000 as to personal injury and $ 100,000 as to property damage and shall furnish a Certificate of Insurance to the Town Engineer and, in the event of a cancellation of such insurance, the *temporary Special Exception* shall terminate immediately and without any formal action of the Commission.

31.5 STANDARDS and CONDITIONS: The filling, excavation, grading, removal, blasting or any other activities authorized under this section shall conform to the following **standards** and **conditions,** and before approving a ***Temporary Special Exception",*** the Commission shall find that the following standards and conditions are met:

31.5.1 General: That the operations and activities shall be carried out in conformity with the statement, maps and plans as approved by the Planning & Zoning Commission and within the exterior limits shown on the approved plans; and in conformity with the proposed contour plan, as approved.

31.5.2 Earth Slopes: All finished earth slopes resulting from the approved activities shall not exceed one foot of rise or decline for three feet of horizontal distance; or of a lesser slope as the Commission may specify as necessary for the Public Health and Safety, soil stability and for the reasonable use of the property after the completion of the excavation or material deposit.

31.5.3 Rock Slopes: The Commission may approve finished rock slopes resulting from blasting or ripping at slopes no greater than five [5] feet rise for one foot of horizontal distance; provided that the following conditions are met:

31.5.3.1 The top of any permanent rock slope, greater than five [5] feet in height is protected by permanent fence, at least 5 feet in height and of a quality that is acceptable to the Commission, to prevent injury to the general public.

31.5.3.2 No blasted slope shall be located within 30 feet of any side or rear property line; or such a greater distance as the Commission may specify.

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31.5.3.3 All blasting shall be conducted in a manner that is acceptable to the Fire Marshall, Town of East Haven.

31.5.3.4 Upon completion of blasting, the applicant shall furnish a statement from a licensed engineer that the finished slopes are stable and have been constructed in accordance with these Regulations and the approved plan.

31.5.3.5 There will be no excavation, grading or removal below an elevation of three [3] feet above any ledge

31.5.4 Site Conditions During Operations: Slopes shall be maintained during construction so as not to exceed one [1] foot of rise for each two [2] feet of horizontal distance whenever constructed is suspended for a period of more than two weeks. There shall be no sharp declivities, pits or depressions and proper drainage shall be provided to avoid water stagnation, soil erosion and water pollution.

The Commission is empowered to require the entire construction area, or parts thereof, to be fenced by a fence of 6 feet in height or less and having suitable gates that are located a minimum of fifty [50] feet from the edge of the construction area to ensure public welfare and safety.

31.5.5 Adjoining Properties: The Commission may order proper measures shall be taken to minimize the impact on adjacent properties for noise, flying dust or rock and unsightly or dangerous conditions. Such measures may include, but are not limited to, appropriate screening, fencing, limitations on "on-site" stockpiling of excavated materials, and/or the presence of "watering mechanisms" 31.5.6 Processing Machinery: Except in Light Industrial Districts # 1 [LI-1] and #2 [LI-2] no stone crusher, washer, grader, sifter or other machinery not required or necessary for excavation and/or the removal of material will be used.

31.5.7 Truck Access: Truck access to the site shall be so arranged as to minimize traffic hazards on-the streets and a nuisance to surrounding properties. Such access on the site shall be maintained as to prevent wind and water erosion. Proper drainage shall be arranged so as to minimize traffic hazards on streets and to avoid being a nuisance to residents of the neighborhood. Tracking pads shall be installed utilized and maintained and all debris and/or residue on any Town street will be totally and completely removed nightly by the applicant, owner[s] and/or agent. All elements of the site's *Erosion and Sediment Control Plan*, and any appropriate conditions of approval shall be maintained and utilized.

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31.5.8 Disposal of Excavated Materials: The total volume of earth materials to be removed from a site, and it's destination [if known] shall be identified in the Permit Application. If earth materials in excess of 250 cubic yards are to be transported outside of the Town of East Haven, it is the applicant's responsibility to secure the proper authorization and/or permits for disposal at its ultimate location.

31.5.9 Stockpiles: All authorized stockpiles shall be contained within the permit area. No stockpile of earth materials shall be located within 50 feet of an wetland or floodway [designated on the *National Flood Insurance Rate Map]*

Any activity within a designated *Flood Plain District* also requires approval by the Town Engineer and a permit under the Town of East Haven's *Flood Plain Ordinance.*

Appropriate dust and erosion control measures shall be clearly described and maintained for the entire duration of the stockpile; any stockpiling of a variety of earth materials on a continuing basis, as part of a business, may be approved by the Commission as part of a *site plan* and/or *special exception* for the primary use of the site *[e.g. contractor yard]*, provided that:

31.5.9.1 the maximum volume [footprint and height], location on the site, and type of materials to be stockpiled are explicitly described in the application .... and:

31.5.9.2 all other standards, requirements and conditions of the Regulations and the approval are met.

The Commission reserves the right to review and continuing stockpiles on a yearly basis and may require submission of a new *special exception* application if the actual circumstances differ from, and/or the volume of material stockpiled exceeds what was depicted on the original approval.

31.5.10 Fill Materials: Land clearing, construction and demolition debris, loose boulders may be used as clean fill, provided that the following requirements are met.

31.5.10.1 No constituent part of such fill shall exceed one [1] cubic yard in volume

31.5.10.2 No materials shall be used as fill which pose a fire or pollution hazard.

31.5.10.3 No materials shall be used as fill which will impair the future use of the site for purposes normally allowed in the zoning district.

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31.5.10.4 The provisions of this section shall, in no way, be construed to authorize any activity regulated under Chapter 446d [solid waste management] of the Connecticut General Statutes.

31.5.11 Hours of Operation: Within and adjacent to any residential areas, no blasting or operation of heavy vehicles or machinery shall take place before 7:30 A.M. or after 6: 30 P.M. on Monday through Friday; nor before 8:30 A.M. or after 5:30 P.M. on Saturday or at any time on Sunday. The Commission is further empowered to further restrict or limit said hours of operation at any time if such limitations are deemed warranted ensuring the reasonable use and enjoyment of surrounding properties.

31.5.12 Site Restoration: All topsoil removed shall be stockpiled on the site. Upon completion of the work authorized, or when work has progressed sufficiently to where reclamation of significant areas is practicable, the area affected by the operation shall be prepared or restored as follows:

31.5.12.1 such area shall be graded so that slopes in disturbed areas shall be no steeper than one foot of rise for three feet of horizontal distance. This slope may be further modified by the Commission to a lesser slope, necessary for soil stability and reasonable re-use and development of the site.

31.5.12.2 the disturbed area shall be evenly graded with sufficient slopes to assure adequate drainage, preventing pools of stagnant water.

31.5.12.3 a layer of topsoil, six [6] inches in depth shall be replaced uniformly over the entire area, with any large stones removed. The area shall be seeded with "State Conservation Mix" or other suitable [pre-approved] perennial grass mixture, and maintained by mulching, repairing and reseeding until the entire area is stabilized with a dense cover of grass, with no danger of erosion, and approved by the Commission.

31.5.12.3.1 EXCEPTION: this provision shall not apply to the area of ponds, nor to areas of exposed ledge existing prior to the work.

31.5.12.4 Excess topsoil may be removed from the site upon submission of a statement or documentation from a licensed, professional engineer or landscape architect certifying that sufficient topsoil remains on the site to accomplish the requirements of this section.

31.5.13 Alteration of Conditions: The Commission may adjust or modify or delete any standards or conditions set forth above if, in its sole judgment, such adjustment, modification and/or deletion is necessary to maintain the purpose of this Section.

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31.6 INSPECTIONS and PERIODIC INSPECTIONS: The Commission, Town Engineer and Zoning Enforcement Officer, or their authorized agents shall, at all times, have reasonable access to the site for the purpose of inspection and determination of compliance with this Section. The Commission may require the applicant to submit periodic reports, prepared by, and bearing the seal of, a land surveyor or engineer showing the status and progress of the work.

31.7 ENFORCEMENT and PENALTIES: The Zoning Officer and/or Town Engineer and/or their agents are empowered to enforce any/all provisions of this section. Any noted violation by an authorized enforcement agent shall be abated immediately. The penalty for any violation of this section shall be a monetary fine in accordance with the provisions of Connecticut General Statute 8- 12 [C.G.S. 8-12] and/or Section 53 of these Regulations and/or the immediate halt to the operations until such time that the violation[s] are abated.

31.8 TOWN OPERATIONS: Within the Town of East Haven, any filling/grading/material removing or stockpiling operations on any lot of any earth, loam, topsoil, sand, gravel, clay or stone that is conducted by the Town of East Haven, solely for municipal purposes, is permitted and all permit procedures and/or associated fees are waived. Said excavation, grading, removal or stockpiling however, shall meet and conform with the standards and conditions of Section 31.5 of these Regulations.

31.9 MAINTENANCE of PONDS: Whenever it is found necessary to maintain an existing pond, lake, retention and/or detention facility or other natural or "man-made" body of water to prevent eutrophication, or to remove accumulated silting; and said maintenance will not change the original basic contours, depth or periphery of the body of water, such work may be done without a *temporary special exception* provided:

31.9.1 Appropriate approvals are obtained from the East Haven *Inland-Wetland and Watercourse* Commission;

31.9.2 The applicant/owner submits a written report to the Commission containing the following:

31.9.2.1 the area to be maintained

31.9.2.2 the reason for the maintenance;

31.9.2.3 the total amount and type of materials to be removed, and where it is to be placed

31.9.2.4 the proposed dates of operation

31.9.2.5 the name of the contractor responsible; ... and

31.9.2.6 the hours of operation

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31.9.3 The Commission, upon review of the above information, finds that the proposed work is necessary, and does not fall within the purview of an "earth removal" operation.

31.9.4 The Commission approves the above report, and notified the applicant of its agreement as to the scope and purpose of said operation. In the event that the Commission determines that the proposed operation exceeds normal maintenance and, the operation is, in fact, an earth removal operation; said Commission is empowered to order the owner/applicant to apply for a *temporary special exception* in accordance with the requirements of this Section.

31.10 OVERALL LANDSCAPING DESIGN PLAN: In all instances covered under this section, the applicant shall provide a landscaping design that will provide vegetated buffers to help protect all on sight water resources, including (but not limited to) tidal wetlands, or other coastal resources and/or inland wetlands that are in need of protection from pollutants, erosion and storm water runoff.

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SECTION 33: SITE PLANS AND SECIAL EXCEPTIONS

33.1 GENERAL: Uses which require the approval of a *SITE PLAN of DEVELOPMENT* or a *SPECIAL EXCEPTION* are specified in **Schedule "A"** [Permitted Uses] of these Regulations. Any application for a *Special Exception* also includes a *Site Plan* Application; and in addition, it must address any additional requirements specific to the proposed use, as set forth in these Regulations.

All *Site Plan Applications* and *Special Exception Application* requirements are in addition to the other requirements of the District [zone] in which the use is to be located

33.2 PURPOSE: The purpose of this process is to review the development plans of an applicant to assure that they meet the stated objectives and standards, provide for necessary public facilities or services, preserve topographic features, protect historical and architectural factors; and protect adjacent properties through appropriate design considerations and the siting of buildings, structures, uses, access, parking, landscaping and other site development features

33.3 AUTHORIZATION:

33.3.1 Special Exception Application: All *Special Exception Permits* will generally also require a *Site Plan* review and approval by the Commission. In all instances where a *Special Exception Permit* must be secured as a requirement of these Regulations, no zoning permit shall be issued by the Zoning Administrator/Enforcement Officer except after a **public hearing,** and upon approval and authorization of the Commission.

33.3.2 Site Plan Application: In all instances where these Regulations require approval of a *Site Plan;* no zoning permit shall be issued by the Zoning Administrator/Enforcement Officer until such time as an administrative review and an approval is issued by the Commission.

33.3.2.1 Site Plan Modification Application: In instances of a modification to an existing, previously approved site plan, the Zoning Administrator, with the permission of the Commission Chairman, shall be authorized to perform an administrative review, and approve the modification; if such modification is minor in nature and does not alter the original use of the existing site.

33.4 APPLICATION: Application for a ***Special Exception*** and/or ***Site Plan*** approval shall be in a form prescribed by the Commission, and shall be considered in accordance with the procedures adopted by the Commission and amended from time to time.

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33.4.1 Application Materials: Before the Commission shall formally consider any such applications, all required documents, plans and other materials shall be folded, collated, and submitted by the applicant in fifteen [15] copies. Failure, for any reason to submit any required report, document, plans and/or maps, in the manner prescribed in this section, shall be sufficient basis for the denial of the application.

33.4.2 Application Forms: Application for the approval of a ***special exception*** and/or ***site plan*** shall be made, in writing, on application forms supplied and authorized by the Commission. The application shall be complete and signed by the applicant, and if the applicant is anyone other than the property owner, the identity and address of the owner shall also be included on the application form.

33.5 PROCEDURE: An application for a ***special exception*** and/or ***site plan approval*** shall be processed in accordance with **Section 8-7d** of the Connecticut General Statutes.

33.5.1 Submission: An application shall be deemed to be complete if it is in the proper form, and is accompanied by all the application material required under ***Section 31***. The Commission staff shall note on the application, the date of its submission.

33.5.2 Receipt: The date of receipt of a formal application shall be the date of the next **regularly** scheduled meeting of the Commission immediately following the date of submission to the Commission of a complete application, or 35 days after the submission of a complete application, whichever is sooner.

33.5.3 Public Hearing:

33.5.3.1 The Commission shall hold a public hearing, after proper notification for any ***Special Exception application.*** If the grant of an application is dependent upon the Commission's approval of a ***site plan;*** the applicant shall submit an application for *site plan review* at the same time he submits his application for the ***special exception*** and both applications shall be processed *simultaneously.*

33.5.3.2 The Commission, solely at it's own discretion, may hold a ***public hearing*** on any ***site plan*** review and application.

33.5.3.3 Any such public hearing shall be held within 65 days after the date of receipt of a complete application; and shall be completed within 30 days after such public hearing.

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33.5.4 Commission Review:

33.5.4.1 In reviewing a ***Special Exception*** and/or ***Site Plan review*** application, the Commission shall take into consideration issues of the *public health, safety* and general *welfare*, and may prescribe such conditions and safeguards as are necessary to assure compliance with the requirements set forth herein.

33.5.4.2 The Commission is authorized to require the submission of additional information deemed necessary to determine compliance with intent and purpose of these Regulations.

33.5.4.3 If a ***Special Exception*** and/or ***site plan*** application involves an activity regulated by the Town's ***Inland Wetlands and Watercourses Commission,*** the Commission *shall not render it's decision* until said Inland Wetlands and Watercourses Commission has submitted a report with its final decision; nor shall it condition any approval on any approval of said Inland Wetlands and Watercourses Commission.

33.5.5 Commission Action:

33.5.5.1 Except as may be modified by paragraph ***33.5.5.3*** below, within 65 days after the completion of the ***public hearing***, the Commission shall approve, modify and approve or deny such application.

33.5.5.2 **Site Plan review not requiring a Public Hearing:** Except as may be modified by ***section 33.5.5.3*** below, within 65 days after the date of receipt of an application for a ***site plan,*** or any authorized extension of time, for which the Commission **does not** require a public hearing, the Commission shall approve, modify and approve or deny said ***site plan.***

33.5.5.3 **Applications involving Inland-Wetlands and Watercourse Commission:** If, in the case of applications involving an activity regulated by the Inland-Wetlands and Watercourse Commission, the time for a decision by the Commission pursuant to ***sections 33.5.5.1*** or ***33.5.5.2*** of this section [above] would elapse prior to the thirty-fifty [35th] day after a decision by said Inland-Wetland and Watercourses Commission, the time period for a decision shall automatically be extended to thirty five [35] days after the Inland Wetlands and Watercourses Commission decision.

33.5.5.4 **Simultaneous Applications for *Special Exception* and *Site Plan Review:*** If, pursuant to ***section 33.5.3a*** an applicant submits two such applications at the same time, the two applications shall be deemed to be a single proposal for purposes of voting and the Commission shall, with one vote, approve, approve with conditions, modify and approve or deny such a proposal simultaneously.

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33.5.5.5 A ***Site Plan*** may be modified or denied only if it fails to comply with the requirements already set forth in the Zoning Regulations in accordance with ***Section 8-3[c]*** of the Connecticut General Statutes.

33.5.5.6 **Conditions of Approval:** When the Commission grants a ***Special Exception,*** or approves a ***Site Plan*** with "conditions", each and all of said conditions shall become an integral part of the Commission's decision. Should any of the conditions, on an appeal from such decision, be found to be void or of no legal effect, than the **conditional approval** shall become null and void and the applicant shall be entitled to re-file another for review and decision.

33.5.5.7 **Reasons and Permits:** The Commission shall state, upon its record, the reason for its decision. Upon the approval of a **Special Exception** or the approval of a **Site Plan** application, the applicant shall apply for a Zoning Permit, signed by the Zoning Administrator/Enforcement Officer of the Town of East Haven

33.5.6 **Notice of Decision:** Notice of the decision of the Commission on a **Special Exception** application or a **Site Plan Application** shall be published in a newspaper having a substantial circulation in the Town of East Haven and a copy of said decision be mailed to the applicant within fifteen [15] days after the decision.

33.5.7 **Effective Date: Special Exceptions** only after the filing of a copy thereof, by the applicant, in the Office of the Town Clerk, and a recording of a copy thereof in the land records of the Town.

33.5.8 **Special Exceptions and Site Plan Approvals when Variances are necessary:** In an event that an application for a **Special Exception** and/or a **Site Plan** approval requires a **variance** from the Zoning Board of Appeals, said variance shall be obtained by the applicant *prior to* making application for either or both of the aforesaid approvals.

33.6 **TIME PERIOD and EXPIRATION:** In granting a **Special Exception,** the Commission is empowered to set or impose time periods or limits on the use, or require periodic renewal of the permit, without a public hearing. In the event an appeal is taken from the Commission's granting of a Special Exception, any such time period shall commence on the date of the final resolution or disposition of such litigation. Any expired **Special Exception** shall automatically become null and void.

33.6.1 Failure to obtain a **zoning permit** within one year of the granting of a **Special Exception** and/or **Site Plan** approval, or within one year of the date of final solution of any resulting appeal thereto, shall render such **Special Exception** and/or **Site Plan** approval null and void.

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33.6.2 In order to obtain the required **zoning permit** stipulated in ***section 33.6.1*** [above], on any **Special Exception** and/or **Site Plan** approval, the Commission shall be empowered to grant one [1] extension not to exceed six [6] months; only provided that there are unusual and/or extenuating circumstances that would warrant such an extension.

33.6.3 All work in connection with any **site plan** approval shall be completed within five [5] years from the date of the approval of such plan. Failure to complete all work within such five [5] year period shall result in the automatic expiration of the approval of such site plan, in accordance with *section 8-3[I]* of the Connecticut General Statutes.

33.7 **BONDING:** The Commission may require, as a condition of its approval, that the applicant post a bond with surety and in an amount satisfactory to the Commission, in order to assure the conformance and completion of all physical improvements [excluding buildings] shown on the approved **site plan** and/or **modified site plan.**

The Commission shall require that the applicant post a bond, in an amount deemed adequate by the Commission to guarantee the completion of required improvements within the public way, driveway connections, utility services, storm drainage and pollution control facilities, public sanitary sewers, landscaping and other essential site improvements and/or site restoration, and/or site modifications in accordance with the approved plan.

An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including appropriate inflation factors for the estimated construction period and shall further submit said bond estimate to the Town Engineer and the Zoning Administrator for approval and/or modification.

The approved bond may be:

33.7.1 in the form of cash;

33.7.2 a certified check, payable to the Town of East Haven;

33.7.3 a savings passbook with a signed withdrawal slip for a joint account in the name of the Town of East Haven and the applicant… or

33.7.4 an irrevocable letter of credit from a bank

Said bond shall be posted with the Town of East Haven, in accordance with the approved **site plan,** for a period of not to exceed two [2] years, unless an extension of time of up to five [5] years is applied for by the applicant and approved by the Commission. All site work shall be completed within five [5] years of the date of the approval of the **site plan.**

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33.8 RELEASE, and/or REDUCTION of BOND: Upon a written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Zoning Administrator, Town Engineer and/or other appropriate Town Officials and/or consultants to the Town to determine if all of the conditions of approval have been met and, if all required site improvements have been satisfactorily completed in accordance with the approved plans.

Before any release or reduction of any bond, the Commission may require the applicant submit an ***"as-built"*** plan, certifying that all of the required site improvements for which the release or reduction of the bond have been installed in accordance with the approved plans

A request for any bond reduction for the partial completion of the approved plan shall be at the sole discretion of the Commission, who may also alter the amount of the requested bond reduction. Based on its findings, the Commission may then authorize a reduction or release of the bond and, upon request of the applicant, may also direct that a ***"Certificate of Zoning Compliance"*** be issued.

33.9 REVISIONS and CHANGES to APPROVED PLANS: A minor change to an **approved site plan** or **special exception** consists of minor changes in the approved structures or buildings, not requiring additional parking, loading or access, and/or minor alterations to approved signage; and such change[s] may be approved administratively by the Zoning Administrator, after consultation with the Town Engineer.

Any other change in the use of land, buildings or structures, or any increase in the amount of parking, loading or access, or requires substantial alteration to the land, structures, buildings or layout shall be approved by the Commission who may also decide if the change is significant enough to require a complete new **site plan** and/or **special exception** application and submission is necessary.

33.10 ADMINISTRATIVE APPROVAL: In certain cases, limited to minor site and/or building activities, the Zoning Administrator shall have the authority to review and approve applications involving the following types of minor activities only.

33.10.1 Site Plan Modifications: Where only minor site work is I involved, such as parking lot alterations or expansions, landscape modifications [refuse areas, screening, retaining walls, fences, etc.] and utility modifications, provided that said minor modifications comply with the Regulations as set forth herein.

33.10.2 Small Building Additions/Alterations: Small building additions and/or alterations with fewer than 500 square feet of gross floor area, exterior staircases mandated by the Fire Marshall, handicap ramps and elevator mandated by the Building Code for public safety and awnings, ground mounted or roof top mechanical equipment.

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33.10.3 Alterations of Uses: A small change of use within an existing building either within an existing tenant space involving not more than 500 square feet of gross floor area, or an increase of not more than three [3] required parking spaces on the same lot.

33.11 SITE PLAN, STANDARDS and OBJECTIVES: For all uses requiring approval of a ***special exception*** and/or a ***site plan,*** a complete application shall be submitted in a form prescribed by the Commission, together with an application fee in an amount determined by said Commission and posted in the Planning and Zoning Office, payable to the Town of East Haven; together with the information identified below and except when the Zoning Administrator finds any of the following requirements not applicable for small scale projects when one or more of said requirements may be waived upon concurrence and approval of the Commission.

33.11.1 Statement of Use: Twelve [12] copies of a written, detailed statement of use, in sufficient detail to determine compliance with the ***permitted use Section [24]*** and ***town wide performance standards [Section 25]*** of these Regulations.

33.11.2 General Information: All maps and plans shall indicate the name of the **owner of record,** as listed in the Assessor's Office; the **date; north arrow;** numeric and graphic **scale, revision dates** and the **street address** of the property.

33.11.3 Location Map: Twelve [12] copies of the Assessor's Map[s], at a scale not to exceed one [1] inch equals two hundred [200] feet. The map shall show the subject property and all adjoining properties

33.11.4 Existing Conditions Map: Twelve [12] copies of an accurate, scaled survey map of the property, prepared by a registered Land Surveyor at a scale not to exceed one [1] inch equals forty [40] feet on sheets not to exceed 24 inches by 36 inches.

Said survey shall be drawn to an A-**2** accuracy [as defined by the Connecticut Technical Council], shall be certified "substantially correct" by said surveyor, and shall include:

33.11.4.1 all existing property lines, easements and all rights-of-way…and

33.11.4.2 contours, at intervals of 2 feet, referred to USGS MSL datum…and

33.11.4.3 wooded areas, water courses, wetland areas, known aquifers, rock outcrops, stone walls, the location of trees with a trunk caliper of more than eight [8] inches [except in delineated wooded areas…and

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33.11.4.4 buildings, structures, signs, fences, walls, paved areas, curb cuts, sidewalks, light poles, signs, utility poles, catch basins, manholes, hydrants and edges of existing pavement.

Said survey shall also illustrate the following **off-site** information:

33.11.4.5 Buildings, parking areas and curb cuts on all adjoining property located within fifty [50] feet of the site.

33.11.4.6 All cross streets within fifty [50] feet of the site.

33.11.4.7 All curb cuts or driveways located across the street or on the opposite side of the site.

33.11.4.8 All traffic lights or controls, public trees, catch basins, sewer lines, manholes, hydrants, utility poles and lines that are located in adjacent streets.

33.11.5 Site Development Plan Map: Twelve [12] copies of an accurate scale plan, prepared and sealed by a licensed surveyor, engineer, architect, landscape architect at a scale not to exceed one [1] inch equals forty [40] feet; on sheets not to exceed 24 inches by 36 inches. Said site plans shall be prepared from a plot plan, certified "substantially correct" by a registered Land Surveyor, based on a **class A-2 survey** and said plot plan shall be identified. The site plan shall illustrate the proposed development of the property and shall include the following information:

33.11.5.1 The boundaries of the property and the Zoning District Boundary Line located on the subject property, as well as the location, width and purpose of all existing and proposed easements and rights-of-way on said property.

33.11.5.2 Existing and proposed **contours** at intervals of **two [2] feet** USGS MSL datum, with **spot elevations** at key locations.

33.11.5.3 Location of all existing wooded areas, water-courses, field located wetlands, rock outcrops, stone walls and other significant physical features and, where applicable, the edge of water, wetlands boundary, any waterway protection line, the one hundred [100] year flood line and the floodway boundary.

33.11.5.4 The location of existing trees, not located within a wooded area with a trunk caliper of six [6] inches or more and mature evergreens of ornamental quality.

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33.11.5.5 Location, design and height of all existing and proposed buildings, structures, sign, fences, walls, including retaining walls.

33.11.5.6 Location of all existing and proposed uses and facilities not requiring a building or structure and including areas of proposed outside storage or retail sales areas.

33.11.5.7 The location, arrangement and dimensions of standard and handicap automobile parking stalls, aisles, vehicular drives, fire lanes, entrances, exits and ramps, the location, arrangement and dimensions of loading/unloading spaces and/or docks.

33.11.5.8 The location and dimensions of pedestrian entrances, exits, sidewalks and walkways.

33.11.5.9 An accurate table or chart tabulating the proposed number or amount and types of uses; lot area of the site; required setbacks and coverage; building area; building height[s]; floor area ration; parking computations and landscaping computations as compared to the requirements of these Regulations.

33.11.5.10 A ***preliminary landscape plan*** showing the general location and layout of plantings within all landscaped areas as well as any fencing, walls and other types of screening that may be proposed.

33.11.5.11 The location, height, sized, orientation, design and plans of all signs and outdoor lighting.

33.11.5.12 The location and design of all existing and proposed:

33.11.5.12.1 Existing & proposed sanitary and storm sewer lines.

33.11.5.12.2 Existing & proposed water and utility lines

33.11.5.12.3 Proposed areas for refuse/trash

33.11.5.12.4 Proposed areas for ground level mechanical equipment

33.11.5.12.5 Proposed retaining walls and other similar engineering improvements

33.11.5.12.6 all proposed engineering related aspects shall be designed and sealed by a registered professional engineer and shall be accompanied by appropriate data, in accordance with good engineering practices such as

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pipe sizes, flow lines, pipe slopes and lengths, invert and top of grate elevations, existing and proposed grades and construction materials to be used. Quantity and velocity calculations, profiles, cross-sections and other engineering documentation may be requested by the Commission for review by the Town Engineer.

33.11.5.13 When the applicant indicates a desire to develop the site in phases and/or stages, an overall site and phasing plan; indicating all phases and a development schedule for approval, modification or denial and a schedule for obtaining zoning permits shall be submitted.

33.11.6 **Building Plans:** Six [6] copies of preliminary architectural drawings, bearing the seal of a licensed, professional architect or engineer, of all buildings and structures at a minimum scale of one [1] inch equals eight [8] feet and showing the following:

33.11.6.1 All exterior wall elevations indicating finished floor, building heights in relation to mean sea level, base flood elevation data, lowest floor elevation, doors and windows, size and location of roof top mechanical equipment and building materials to be used.

33.11.6.2 Building floor plans indicating the existing and proposed usage, interior floor area and/or patron floor area. All building floor plans shall indicate floor dimensions.

33.11.7 **Traffic Report:** A traffic analysis shall be required for any project designed to contain one hundred [100] or more parking spaces in any new or expanded parking lot; or any project, either new or expanded, of forty thousand 40,000 or more square feet of gross floor area.

Said **traffic analysis** shall include, at least the following information:

33.11.7.1 Past and present road conditions

33.11.7.2 Existing roadway capacity

33.11.7.3 Traffic accident statistics

33.11.7.4 Existing and projected traffic volumes [ADT, A.M. and peak P.M.]

33.11.7.5 Existing and projected volume/capacity ratios

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33.11.7.6 Existing and proposed sight lines based on facts and reasonable generation factors for the site and affected road networks and intersections, including levels of service both before and after development.

33.11.7.7 **Other Traffic Requirements:** The Commission may require a traffic report for other projects and/or circumstances if conditions warrant.

Projects situated on State Highways and arterial Town roads shall be designed to minimize left turn movements, or conflicts on the street at the site.

Driveways shall be designed to achieve clear sight lines, based on a minimum thirty-five [35] miles per hour [mph] design speed.

A project design shall consider interconnecting parking areas, shared common access drives and future access connections to adjacent property when, and where applicable.

33.11.8 **Drainage Report:** A storm drainage analysis shall be required for any project, either new or expanded, containing either forty [40] or more parking spaces, or twenty thousand [20,000] or more square feet of gross floor area in any new or expanded building[s]; or for any project situated in a flood plain or flood oriented area; or upon the request of the Commission for any new or modified project under consideration.

Said storm drainage shall contain, at least, the existing and projected storm water runoff calculations for the affected watershed based on the 25, 50 and 100 year storms; or runoff calculations requested by the Town Engineer.

If any portion of the downstream system is deemed to be inadequate, such system shall be improved to current standards acceptable to the Town Engineer or on-site retention or detention shall be provided. If detention or retention ponds are created, their maintenance shall remain the responsibility of the property owner and said ponds are to be fully enclosed in decorative [not privacy type] fencing of wood and/or vinyl, but not of a chain-link variety to a minimum height of 60 inches from grade.

The Commission is authorized to require a drainage report for any project if, in their opinion, the conditions warrant such a report.

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33.11.9 Sediment and Erosion Control Plan: A Sediment and Erosion Control Plan shall be required for all ***Special Exception*** and ***Site Development Plan*** [as per these Regulations] approvals where the cumulative area[s] of disturbance is more than one-half ½ acre, and if deemed necessary by the Commission for projects with less than one-half [1/2] acre of cumulative disturbed area[s].

33.11.10 Local, State and Federal Agency Reports: At the request of the Commission, the applicant shall submit a report; stating the recommendations from the following agencies or any other governmental agency having jurisdiction over any aspect of the application and/or site, and/or proposed project:

33.11.10.1 East Haven Zoning Board of Appeals

33.11.10.2 East Haven Flood and Erosion Commission

33.11.10.3 East Haven Inland Wetlands and Watercourse Commission.

33.11.10.4 East Haven Water Pollution Control Authority

33.11.10.5 East Haven Superintendent of Schools

33.11.10.6 East Haven, Department of Police Services

33.11.10.7 East Haven, Department of Fire Services

33.11.10.8 East Haven Building Official

33.11.10.9 East Haven Town Engineer

33.11.10.10 East Haven, Director of Economic Development

33.11.10.11 East Shore Health District

33.11.10.12 Connecticut Department of Transportation

33.11.10.13 Connecticut Department of Environmental Protection

33.11.10.14 U.S. Army, Corps of Engineers

The Commission may specify the extent of the report and the specific issues to be reviewed. Applications which require State or Federal approvals shall include a statement describing the status of such approvals together with sufficient written evidence indicating such approvals appear to have a reasonable probability of success.

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33.11.11 Legal Documents: The applicant shall either obtain all necessary legal documents or rights such as easements, rights-of-way, covenants, deed restrictions, etc. or otherwise provide sufficient written evidence to demonstrate the acquisition of such necessary legal documents or rights appear to have a reasonable probability of success.

33.11.12 Final Landscape Plan: Prior to the approval of any ***Special Exception*** or ***Site Development Plan***; the applicant shall prepare and submit a detailed landscape plan for final approval. The detailed landscape plan ~~shall show~~shall show the location, layout, type, size, number and species of all plantings within all landscape areas; the type and dimensions of all fencing, walls and other screening; and the proposed methods and specifications for planting. Final approval for said landscape plan must be secured prior to the issuance of a **zoning permit.**

33.11.13 Other: The Commission, upon *written request* by the applicant, may by resolution, waive or modify the required submission of all or any part of the information required under this **section** if the Commission finds that the information is *not necessary* in order to decide on the application. The Commission may also request the submission of such other additional information that it deems necessary in order to assist in a decision on the application.

33.11.14 Market Analysis: The applicant shall submit an assessment of the projected demand for the proposed use. Such analysis shall include such factors as a discussion of other similar uses, potential future demand, the economic feasibility of the proposed use(s) and other relevant factors.

33.11.15 Fiscal Impact: The applicant shall prepare and submit an analysis of the potential impact of the proposed buildings/uses on municipal expenses, both direct and indirect to be required by the proposed use.

33.12 SITE PLAN STANDARDS and OBJECTIVES: In reviewing a ***Site Plan,*** the Commission shall take into consideration the ***public health, safety*** and ***general welfare*** and, as a condition of approval, may require such modifications of the proposed plans as it deems necessary to comply with the specific area, bulk, parking, landscaping, sign and document standards contained herein as well as all other applicable requirements of these Regulations and to assure the accomplishments of the following general objectives:

33.12.1 Public Safety: That all buildings, structures, uses, equipment or materials are directly accessible for fire, police, and ambulance services. Said plans shall comply with the Town's Fire Ordinances and State Fire Codes. Said plans shall comply with all Town Building Ordinances and the Building Code; with specific regard to handicapped ramps, depressed curbs, parking and elevator provisions and subject to the approval of the Building Official.

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33.12.2 **Traffic and Pedestrian Access:** That all proposed vehicular and pedestrian accessways are safely designed, adequately provided and conveniently arranged to prevent traffic and pedestrian hazards both within the site and, on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

33.12.2.1 The number, location and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

33.12.2.2 The width, grade and alignment of entrances and exits.

33.12.2.3 The distance of entrances and exits from street corners, places of public assembly and other accessways.

33.12.2.4 The visibility, in all directions, at all exit points of the site and the visibility of a vehicle entering or exiting the site to the driver of a vehicle traveling on the street.

33.12.2.4 The adequacy of both temporary and permanent emergency access.

33.12.3 **Circulation and Parking:** That the vehicular circulation pattern and the off-street parking and loading spaces are safely designed, adequately provided and conveniently arranged to meet the needs of the proposed uses and to prevent traffic congestion and traffic and pedestrian hazards, both within the site and on the street. At least the following aspects of the site plan shall be evaluated to determine conformity to this objective:

33.12.3.1 The effect of the proposed development on traffic conditions on abutting streets.

33.12.3.2 The patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.

33.12.3.3 The adequacy of traffic signalization, traffic channelization, left turn lanes, or roadway with on the adjoining streets.

33.12.3.4 The interconnection of parking areas [where applicable] via access drives and within and between adjacent lots or uses, in order to maximize efficiency, minimize curb cuts and encourage safe and convenient circulation.

33.12.3.5 the adequacy of vehicular stacking lanes and/or distances.

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33.12.3.6 the adequacy of pedestrian drop-off areas for visitors, car pools or transit buses.

33.12.3.7 the location, arrangement and adequacy of off-street parking and loading facilities.

33.12.3.8 The location, arrangement and adequacy of off-street parking and loading facilities.

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33.12.3.9 the location and design of vehicle maneuvering areas, turning areas and fire lanes.

33.12.3.10 the physical identification of entrances, exits, one-way drives, small car spaces, handicapped spaces and fire lanes.

33.12.3.11 The provision of bumper guards, guard rails, wheel stops, speed bumps, traffic signs, islands, crosswalks, and similar safety devices necessary to protect life and property.

33.12.4 **Landscaping and Screening:** That the proposed development will protect the environmental quality of the site and will preserve and enhance the adjacent property values. At least the following aspects of the site plan shall be evaluated to determine conformity to these objectives:

33.12.4.1 Existing large and/or specimen trees shall be preserved to the maximum extent possible, particularly within the front landscape and buffer areas.

33.12.4.2 Special attention will be given to all front landscape areas. No trees in this area shall be removed without the approval of the Commission or any designated beautification committee. Any such tree that is removed shall be replaced, in kind, with one or more trees [e.g. remove one 12 inch caliper tree with 2, 6 inch caliper trees] equal to or whose sum is greater in caliper width by the property owner and/or developer.

33.12.4.3 The location, arrangement and adequacy of landscaping within and bordering parking and loading areas.

33.12.4.4 Vehicular parking, loading and service areas shall be screened during all seasons of the year from any adjacent residential uses and districts.

33.12.4.5 The location, height and materials of walls, fences, mounds, berms, hedges and plantings so as to ensure compatibility with the character of adjacent development, screen parking and loading areas, and conceal storage areas, refuse disposal facilities, utility installations and other such features.

33.12.4.6 The prevention of dust and erosion through the planting of ground cover or installation of other, approved surfaces.

33.12.4.7 The preservation of natural attributes and major features of the site, such as watercourses, water bodies, wetlands, highly erodible areas, major trees, historic structures and scenic views both from the site, and onto or over the site.

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33.12.5 **Lighting and Noise:** That, all exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at, and glare across, the property lines.

33.12.5.1 All exterior light fixtures shall be located at the minimum height from the ground and at the maximum distance from the property line consistent with providing adequate and safe lighting of the building entrances, walkways, parking areas and accessways.

33.12.5.2 All exterior lighting shall be designed so that the filaments, light sources or lenses are shielded with opaque material in such a manner that the light will be down directed.

33.12.5.3 Unshielded lighting may be used if it can be shown that the light distribution characteristics of the proposed fixtures are not objectionable.

33.12.5.4 Lighting may be directed upward, at such an angle to light only on-site buildings, shrubs, flagpoles, trees, shrubs or site surfaces.

33.12.5.5 Lights producing varying intensities, changing or flashing colors or movement, or light movement shall be ***prohibited.***

Buildings and accessory facilities shall be designed and arranged and the installation of sound absorptive shielding on the site [mounds, berms, screening, or other suitable noise barriers] may be required so as to minimize noise levels at the property line.

33.12.6 **Curbing:** In all retail and industrial projects approved under this section, all curbing leading into, out of, or within the confines of the site, such as landscape islands, shall be of granite, pre-cast concrete, extruded concrete or poured concrete.

33.12.7 **Public Health:** That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the Town.

33.12.7.1 Provision shall be made for any necessary sedimentation control and/or control of erosion by wind or water during the construction period

33.12.7.2 Storm drainage facilities shall be provided to adequately and safely drain the site while minimizing downstream flooding, subject to the approval of the *Town Engineer.*

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33.12.7.3 All refuse collection areas shall be located near the service entrance of loading areas of a building, shall be easily accessible to service trucks, and shall be enclosed by walls, a gate and suitable landscaping approved by the Commission.

33.12.8 **Character & Appearance:** That the location, size and design of any building, structure or use; as well as the nature and intensity of operations involved or conducted in connection therewith, will be compatible and harmonious with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, buildings or structures as indicated by the exterior appearance of buildings [bulk, height, roof style, materials and color], their location on the site in relation to existing streets, parking and adjacent residences and their relationship to the natural terrain, watercourses, water bodies, wetlands and vegetation.

33.13 **SPECIAL EXCEPTION PERMIT Standards:** In reviewing any **Special Exception Permit Application,** the Commission shall consider any special additional standards contained in **section 32,** all the standards contained in **section 33.11 "Site Development Plan Standards and Objectives,** set forth above, and shall take into consideration the public health, safety and general welfare and may prescribe **reasonable conditions** and appropriate safeguards to assure the accomplishment of such standards and objectives. In granting any **Special Exception** the Commission shall determine that the proposed use conforms to the overall intent of these regulations and in each case shall consider the following:

33.13.1 **Plan of Development:** The degree to which the proposal will be in conformance with the Town's Plan of Development Update

33.13.2 **Neighborhood:** The effect of the use on the existing and future character of the immediate neighborhood to assure that the use will not have an adverse effect on adjacent areas located within close proximity to the use and will not prevent or inhibit the orderly growth and development of the neighborhood.

33.13.3 **Traffic and Circulation:** The effect on traffic and circulation on and off the site, the amount and access to parking and the adequacy of emergency access, to assure that the use will not interfere with pedestrian circulation and will not have a significant adverse effect on safety in the streets nor unreasonably increase traffic congestion in the area, nor interfere with the pattern of highway circulation.

33.13.4 **Adequacy of Utility Services:** The effect of the use on ground water supplies, the adequacy of public water and sewer facilities and/or the adequacy of on-site sewage and storm water disposal systems to avoid significant adverse effects thereon.

33.13.5 **Lighting:** The effect of the lighting system in terms of location and type of display signs and lighting, loading and service areas, landscaping and pedestrian walkways.

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33.13.6 Building Arrangement: The height, location and orientation of principal and accessory buildings in relation to other structures, so that they will be in scale with, and compatible with the surrounding uses, buildings, streets and open spaces.

33.13.7 Recreation and Open Space Areas: The effect of the use on existing recreation areas and the amount and location of recreational land proposed, as well as the preservation of important open space and other features of the natural environment related to the public health, safety and welfare.

33.13.8 Scenic Vistas: The degree to which the use will obstruct significant views which are important elements in maintaining the character of the Town or a neighborhood therein, for the purpose of promoting the general welfare and conserving the value of buildings.

33.13.9 Energy Conservation: The degree to which the use fosters an energy efficient building layout and landscaping plan through the use of building orientations and vegetation.

33.13.9 Buffers: The degree to which the use is separated from churches, schools, public buildings or other similar uses to the proposed use.

33.14 FLOOD PLAIN DISTRICTS: Site Plan and Special Exception applications shall contain assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse. Applications encompassing areas greater than 2 ½ acres shall include base flood {100-year flood} elevation data. A copy of the development permit, as approved by the Building Official, or evidence that such permit has been applied for shall also be submitted with the Application. The site plan or special exception application shall also show the limits of any area to be filled, or excavated and weather existing and proposed contours at an interval not exceeding two {2} feet and shall be accompanied by detailed drawings for any proposed dike, berm, groin, seawall, jetty, navigation channel, boat basin, pier, dock, wharf, bulkhead, retaining wall and/or piling, as well as the elevations of the lowest floor. All elevations shall be based upon mean sea level datum.

33.15 LIMITED BUSINESSES and PROFESSIONAL OFFICES in RESIDENCE, R-1 DISTRICTS: Site Plans for limited office use of existing residential structures in Residence, R-1 Districts shall conform to the following additional standards:

33.15.1 Purpose: it is the purpose of this paragraph to recognize that certain, existing residential structures and properties are so situated with respect to major streets and thoroughfares and adjacent commercial and business districts that they are no longer deemed to be desirable for residential use and occupancy. However, uncontrolled conversion to indiscriminate commercial use may lead to potential adverse impact on adjacent residential areas. These transitional properties can be permitted to convert to a variety of limited, business and professional office uses,

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that are relatively modest in scale; do not require expansive customer parking areas, and do not rely on extensive signage and window advertising to survive. They can be successful in a residential atmosphere with simply a modest sign identifying the occupant of the premises. The full range of potentially acceptable uses and the limits of size and intensity that are acceptable are not able to be predetermined and therefore, the final determination of acceptability must be made on an individual basis, predicated upon a definitive statement of the proposed use and operation.

33.15.2 **Definitions:** For the purpose of this section, ***"limited Business and Professional Offices",*** in addition to offices of bona-fide professional people, are other offices of limited size, having small numbers of employees and not requiring any extensive signage for identification purposes. It may include offices maintained by accountants, and insurance agency, real estate, computer services, travel agencies and others; all subject to a finding by the Commission that the office use can function, and will be operated within the context and intent of these Regulations. Any **change in use and/or occupancy** permitted under the provisions shall be subject to the review and approval of another **site plan modification permit,** and zoning permit.

33.15.3 **Location:** The structure in which the limited office use is to be established shall be located on a lot which has frontage on a State Highway, Main Street, Hemingway Av., High Street, or any other **thoroughfare** or portion thereof designated by the Commission, or shall have frontage on a street directly opposite an established commercial/business district or shall be immediately adjacent to a commercial and/or business district. For the purpose of this section, a commercial and/or business district adjacent to the **rear property line,** ***shall not qualify*** that property for limited office use.

33.15.4 **Utilities:** Each structure approved under this section must be connected to the Town sanitary sewer system and must be served by a public water supply.

33.15.5 **Parking:** There shall be not less than one {1} off-street parking space for each 300 square feet of floor area of the structure; and the Commission further reserves the right to require such additional spaces as it deems necessary to satisfy the needs of the office, the tenants and clients. The Commission may, at its own discretion, permit a certain number of "stacked" or "double-up" spaces when on-street space is limited and frequent parking turnover is not required or anticipated.

33.15.6 **Exterior Lighting:** All required exterior lighting shall be located and arranged so as not to cause off-site glare onto adjacent properties.

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33.15.7 **Buffer Area:** Adjacent to each property line, the opposite side of which is residential in use; there shall be a landscaped, evergreen, green belt having a minimum width of ten {10} feet; planted to provide effective screening of vehicles and headlight glare from the adjoining properties to the satisfaction of the Commission.

33.15.a If a ten {10} foot buffer, described above is not practical and/or possible, the Commission may substitute a decorative wooden fence, having both sides of "finished quality", and not including any "stockade" or chain link fencing {with or without privacy slots} , together will approved landscaping that will adequately screen adjacent residential properties from vehicles and headlight glare.

33.15.8 **Architectural Compatibility:** Any exterior change, addition and/or alteration to an existing residential structure, as well as all permitted signs, must retain a "basic" residential design and scale and must be architecturally and aesthetically compatible with the adjacent residential neighborhood.

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

33.15.10 **Bond:** The Commission may, as a condition of approval, require the applicant to post a performance bond, or letter of credit, with surety satisfactory to the Commission and in the amount determined by said Commission to be sufficient to insure completion of driveways, parking areas, sidewalks, drainage, sewer systems, landscaping and other essential site improvements in accordance with the Application, as approved.

33.16 **APARTMENTS IN *RA-1* and *RA-2* DISTRICTS:** Dwellings containing three {3} or more dwelling units in any **RA-1** or **RA-2** Districts shall be located on a lot having at least a **minimum area** of 20,000 square feet with a **minimum frontage** of 100 feet on a street.

33.17 **OPEN SPACE AREA:** Dwellings containing three {3} or more dwelling units in Residence **RA-1** and **RA-2** Districts shall be provided with a suitable outdoor open space area or areas having an aggregate area of not less than 200 square feet <u>per bedroom,</u> and 100 square feet <u>per each efficiency dwelling unit.</u>

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33.18 SITE PREPARATION PRIOR TO CONSTRUCTION:

Construction Entrance: At least three [3] days prior to the start of any site preparation or construction at an approved building site, a **construction entrance,** as defined below shall be put in place. This construction entrance is to be maintained until such time as construction on the site is concluded, and final inspection by the Building Official is completed. Upon final inspection and approval, the construction entrance is to be improved to meet Town of East Haven specifications for the construction of access driveways or curbing.

33.18.1 **Definition - construction entrance:** A stone-stabilized pad, located at points of vehicular ingress and egress on a construction site.

33.18.2 **Purpose:** The purpose of a stabilized construction entrance is to reduce the tracking or flowing of sediment onto public rights-of-way.

33.18.3 **Applicability:** A stabilized construction entrance [tracking pad] applies to points of construction ingress and egress where sediment may be tracked or flow off the construction site.

33.18.4 **Planning Considerations:** Roads adjacent to a construction site shall be clean at the end of each day. The construction entrance provides an area where mud can be removed from construction vehicle tires before they enter a public road. If the action of the vehicle traveling over the gravel pad is not sufficient to remove the majority of the mud, then the vehicle[s] tires must be washed before the vehicle enters a public road. Construction entrances should be used in conjunction with the stabilization of construction roads to reduce the amount of sand and mud picked up by the construction vehicles.

33.18.4.1 **Design Criteria – Gravel:** Must meet Connecticut D.O.T. 2 inch size crushed gravel.

33.18.4.2 **Entrance Dimensions – Thickness:** Not less than four inches; *width:* not less than the full widths of points of entry or egress; *length:* twenty five [25] feet minimum, except where the traveled length is less than twenty five feet; *conditions:* at poorly drained locations, subsurface drainage should be installed before installing the stabilized construction entrance.

33.18.4.3 **Washing:** If conditions on a site are such that the majority of mud is not removed by the "tracking pad" then the tires of said vehicles shall be washed before entering onto a public road.

33.18.4.4 **Location:** The entrance should be located to provide for maximum utility by all construction vehicles.

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33.18.5 **Installation Requirements:** The area of the entrance should be cleared of all vegetation. A road stabilization filter cloth may be placed on the sub-grade; the gravel shall be placed to specified dimensions; any required drainage facilities should be constructed according to specifications; and if wash racks are used, they should be installed according to manufacturer's specifications.

33.18.6 **maintenance:** The entrance shall be maintained in a manner preventing tracking onto public rights-of-way; periodic top dressing with additional stone shall be installed as conditions demand; repair and/or cleanout of any sediment trapping

device should be maintained; and all sediment spilled, dropped, wash or tracked onto public rights-of-way must be removed daily.

33.19 ELDERLY LIVING, NON-ASSISTED FACILITIES [Amended March 5, 2008]: Elderly housing facilities (Use line 48 of Schedule "A") shall conform to the following additional standards and conditions:

33.19.1 The elderly living facility, consisting of age-restricted dwelling units accommodating one or two persons per unit shall be located on a lot having a minimum area of not less than four (4) acres. Each dwelling unit shall be occupied by no more than three (3) persons, with no one under the age of eighteen (18) years, at least one of whom shall be not less than 55 years of age, or under a disability as defined in Section 423, Title 42, USCA , or such appropriate amendments thereto. In the event of a double occupancy, the second (younger) occupant shall be at least 50 years of age. In the event of the death of the older resident the younger surviving occupant may continue in residency.

Notwithstanding the above, the minimum lot area may be reduced to not less than 20,000 square feet for sites with frontage on a State Highway, and located within 1000 feet of Main Street at its intersection with Hemingway Avenue.

33.19.2 There shall be not less than the following square feet of lot area per dwelling unit type, at least 75% of which shall consist of buildable land, that is exclusive of ponds, lakes, marsh or other delineated wetlands as well as easements for exclusive vehicular access and easements for above ground public utility lines.

One bedroom unit:	1,000 square feet
Two bedroom unit:	1,600 square feet

No unit approved under this Section shall contain more than two bedrooms. Dens, studios, libraries and similar rooms shall be considered to be bedrooms.

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33.19.3 Each elderly dwelling unit shall be capable of independent living and shall contain not less than 450 square feet of finished floor area. No units shall have a floor area of more than 1500 square feet of living space. All units shall be specifically designed for occupancy by elderly and/or disabled or handicapped persons, with provisions for handicap access.

33.19.4 The site of the proposed elderly living facility shall have frontage on, and direct access to a State Highway or on an approved Town road, adequate for the intended purpose and in reasonable proximity to a State highway, as deemed so by the Commission. In exercising such discretion, the Commission may require the submission of any appropriate and necessary traffic analysis. If the site is situated in a flood prone area, the applicant shall demonstrate that the access is not flood prone, that the proposal has been designed so the risks to life and property are not increased and that all necessary approvals of the East Haven Flood and Erosion Board have been received.

33.19.5 Any proposed Elderly Living facility must be connected to the Town's sanitary sewer system and to a public water supply. All on-site electrical, telecommunication and other utility services shall be placed underground.

33.19.6 Adequately distributed off-street parking shall be designed at a ratio of not less than 1.0 spaces per dwelling unit. At the request of the applicant the Commission may defer the installation of up to 35% of said spaces until there is a demonstrated need. All driveways, walks and ramps shall be safely designed, and in compliance with ADA specifications. When deemed advisory by the Commission, ample places for rest shall be provided along walkways of excessive length. Sidewalks shall be constructed of Portland cement concrete with a minimum width of 5 feet All such facilities shall be adequately lighted and said lighting shall not be directed onto adjacent streets or properties. All curbing shall be of Portland cement concrete, either pre-cast, poured in place or extruded. All dumpsters for rubbish disposal shall be suitably enclosed and gated, utilizing materials consistent with the building design and construction.

33.19.7 Except for developments of 20 units or less and served by regularly scheduled public transportation, all elderly living facilities shall have suitable arrangements providing transportation for medical and dental needs, regularly scheduled shopping trips, social excursions and other off-site trips. Such services shall not be terminated or interrupted without prior written consent of the Commission.

33.19.8 Except as specifically provided for above, the elderly living facilities shall comply with all area, location and building standards and other requirements applicable to the zoning district in which it is proposed to be located. The Commission may also require the submission of traffic studies, environmental reports, storm water management plans, market studies or other such studies and reports deemed necessary to arrive at an informed decision concerning the proposed facility.

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33.19.9 The size, proportions massing and design appearance of all buildings and structures shall be compatible and in harmony with the general character and appearance of buildings in the immediate area of the site and shall not adversely impact the appropriate development of adjacent properties. No building element or wing shall exceed an overall length of 200 feet without an offset of at least 10 feet or a deflection angle of at least sixty (60) degrees between adjacent elements. Any exterior wall of such building shall not exceed a length of 100 feet in an unbroken plane without an offset of at least five (5) feet.

33.19.10 Any elderly living facility shall include acceptable provisions for the continued and diligent maintenance of the facility. Buildings and site improvements and amenities shall be subject to periodic inspection by the Building Official and/or Zoning Enforcement Officer. Any building or site element that is damaged, deteriorated or in a state of disrepair may be ordered by the Commission to be repaired, restored and/or replaced. Failure to comply with such order shall be deemed to be a violation of the provisions of the Zoning Regulations and subject to the penalties prescribed herein and by the General Statutes.

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SECTION 34: ADDITIONAL STANDARDS for certain SPECIAL EXCEPTION and SITE PLAN APPROVALS

34.1 GENERAL: Certain *special exception* and *site plan* application permits may be required to comply with additional standards and conditions herein after specified, as required by these Regulations. All the standards and provisions of this Section are *in addition to* the standards and requirements of Section 33 of these Regulations and to such other requirements as may be applicable in the district said special exception and/or site plan approval is to be located.

34.2 SPECIAL STANDARDS: In addition to the procedures, documents and general standards set forth in Section 33, the following special standards shall also be applicable to certain, particular Uses:

34.2.1 Commercial Kennels, Stables, etc.: Commercial kennels, livery and boarding stables and riding schools *{use line 22 of Schedule A}* shall also conform to the following additional standards and conditions:

34.2.1.1 Any buildings and/or enclosures, and/or feed yards or runs shall be set back not less than 150 feet from any property or street line or any natural watercourse.

34.2.1.2 Open exercise or grazing areas shall be located not less than 30 feet from any property or street line; shall be properly enclosed by a fence of sufficient height to assure the containment of the animals; and shall be maintained in a sanitary and odor free condition at all times.

34.2.1.3 All stalls, pens and similar animal enclosures shall have an impervious floor of concrete with adequate drainage facilities, connected to a sanitary sewer system.

34.2.1.4 Outdoor dog runs shall only be used between the hours of 8:00 a.m. and 8:00 p.m.

34.2.1.5 Adequate provision shall be made for off-street parking of automobiles, horse vans, trailers and other motor vehicles of all persons using or visiting the premises.

34.3 GROUP DAY CARE HOMES, in CC, CD, LI-1, LI-2, LI-3 DISTRICTS: Group day care homes *{use line # 16 of Schedule A}*, other than in a dwelling unit shall conform to the following additional standards and conditions:

34.3.1 The use shall be located on a lot having, at least the minimum area required by the applicable district, but in no instance, less than 10,000 square feet.

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34.3.2 Sufficient off-street parking shall be provided on the same lot with the use and suitable "drop-off" and "pick-up" locations shall be provided.

34.3.3 Unless otherwise stipulated by the Commission, the use shall be limited to daytime, {6:00 a.m. to 7:00 p.m.} programs.

34.3.4 The application shall be accompanied by documentation that the site is served by public water and sanitary sewers; and certification from the Town of East Haven's Building Inspector and Fire Marshall that the proposed site is in compliance with all fire safety and building codes.

34.3.5 If the application for approval is by *special exception*, said permit may be granted for a limited time, not to exceed five {5} years and, may thereafter be renewed upon written request and review by the Commission.

34.3.6 The surrounding properties and their uses shall not endanger the well-being of children or other occupants through the emission of noxious fumes, noise, traffic or other hazards.

34.3.7 The existence of one or more other day care facilities in the neighborhood may be deemed sufficient reason for denial of a new application, if in the opinion of the Commission, the cumulative impact of traffic and noise from an additional facility would have a detrimental effect on the area.

34.4 **GOLF, TENNIS, SWIMMING and SIMILAR CLUBS and DAY CAMPS:** Golf, tennis, swimming or similar clubs and day camps and other outdoor recreational facilities *{Use lines # 20 and 21}* shall conform to the following additional standards:

34.4.1 The use shall be located on a lot having a minimum area of three {3} acre lot, reasonably proportioned to accommodate the proposed use.

34.4.2 If it is anticipated that the proposed use and the activities thereon may periodically attract spectators or participants in excess of the designated and available parking facilities, the applicant shall submit supplementary information concerning traffic flow and excess parking, adequate sanitary services, emergency services, access for emergency vehicles, and other concerns normally associated with the assembly of a large number of people.

34.4.3 All outdoor activity area lighting shall be turned off at such times as are deemed appropriate by the Commission; but not later than ll:00 p.m. All visitors, patrons and players shall vacate the premises within 30 minutes after such lighting is turned off; but not later than 11:30 p.m.

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34.4.4 Adequate and approved off-street parking shall be available for each activity and/or facility.

34.4.5 The entire area of the lot, not used for facilities, driveways and parking areas shall be appropriately landscaped with grass areas and/or shrubs or shall be left in an undisturbed state as natural terrain. Particular attention shall be given to the landscaping and aesthetic treatment along the public street right-of-way. Permitted signs shall be aesthetically compatible, with no animated features intended to attract the attention of passersby.

34.4.6 If the proposal requires the approval of a *special exception*, the Commission may impose such other controls and restrictions as it deems necessary.

34.5 RESTAURANTS and FOOD SERVICE ESTABLISHMENTS: Restaurants and other food and beverage service establishments *{Use lines # 37 and # 38 of Schedule A}* shall conform to the following additional standards and conditions:

34.5.1 The use shall be serviced by municipal sanitary sewers, approved grease traps and a public water supply and approved by the East Shore Health District.

34.5.2 A restaurant, not authorized for the sale of alcoholic beverages, may include an accessory outdoor eating area, accessible only from the restaurant building, and not exceeding 20 % of the interior patron floor area. Said outdoor eating area shall be operated on a seasonal basis on a yearly *temporary zoning permit*. Said outside eating area shall be open to the elements, and not covered by any roof that is either temporary or permanent and shall have enclosing walls, of materials approved by the Commission and no higher than four feet in height. Said outdoor eating area will be suitably landscaped with provisions for wind-blown litter.

34.5.3 Such outdoor eating area shall be exempt from any additional off-street parking requirements.

34.6 MOTOR VEHICLE SERVICE STATIONS and LIMITED REPAIR GARAGES: Motor vehicle service stations, repair garages, accessory installation garages and car wash establishments *{Use lines # 39, # 40 and # 41}* shall conform to the following additional standards:

34.6.1 Newly proposed sites shall be located on a lot having a minimum lot area of 7,500 square feet and a street frontage of 80 feet, exclusively devoted to such use.

34.6.2 All buildings and other structures, including canopies and pumps for the retail selling of gasoline, shall be set back not less than 25 feet from any street or property line.

34.6.3 All curb openings and driveway ramps shall not exceed a width of 30 feet at the street line, unless a greater width is required by a Town Ordinance or the State.

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34.6.4 the nearest point of any curb cut shall not be less 50 feet from a street intersection {measured along the street property line}; or 300 feet from the nearest property line of any lot containing a school, church, hospital, senior recreational center or public library and shall be separated from any residence district by a 10 foot, densely planted evergreen buffer having a minimum height of 6 feet.

34.6.5 All vehicles awaiting repairs or service shall be stored within an enclosed, appropriately screened storage yard, screened from view of the general public. Off-street areas required for the parking of customers and employees *shall not be used* for the storage of vehicles awaiting repairs

34.6.6 All vehicle servicing or repair, except for very minor activities such as tire changing, wiper and headlight repair, shall be conducted within a building.

34.6.7 All outside storage of parts or materials shall be put in suitable containers provided and utilized for the disposal of automotive parts or kept inside a building. Containers used on the site shall be screened from the public view.

34.6.8 The total area of the site, excluding areas left in their natural state shall be suitably treated with paving and landscaping to the satisfaction and approval of the Commission.

34.7 ELDERLY DWELLING UNITS in CA-1 and CD DISTRICTS [EFFECTIVE 12-14-01]: notwithstanding the provisions of section 33.19 to the contrary, elderly dwelling units may be located above the ground floor in any Commercial, CA-1 or CD zoning district (use line 5a of schedule "a", permitted uses); subject to the following standards and conditions:

34.7.1 The use shall be located on a lot having no less than the minimum area required by the applicable district, provided shall lot shall have frontage and direct access to main street.

34.7.2 Elderly units are deemed to be <u>age restricted units</u> accommodating one or two persons per unit, at least one of whom shall be not less than 55 years of age, or under a disability as defined in Section 423, Title 42, USCA, or are handicapped within the meaning of Section 1701, USCA, or such appropriate amendments thereto. In the event of double occupancy, the younger occupant shall be at least 50 years of age. In the event of the death of the older occupant, the younger surviving occupant may continue residency.

34.7.3 Each elderly dwelling unit shall be capable of independent living and shall contain not less than 500 square feet of finished floor area. All units shall be specifically designed for occupancy by elderly and/or handicapped persons, with provisions for handicap access. In addition, there shall be one or more finished, common activity areas set aside, based upon a ration of not less than 20 square feet per dwelling unit, plus suitably prepared outdoor space, for sitting and passive enjoyment, based on a ration of not less than 10 square feet per dwelling unit.

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34.7.4 Each building and all dwelling units must be connected to the municipal sanitary sewer system and to the public water supply. All on site electrical, telecommunication and other utility services shall be placed underground.

34.7.5 Adequately distributed off-street parking shall be provided at a ratio of not less than 1.0 spaces per dwelling unit; but the commission, at the request of the applicant, may defer the installation of up to 35% of said spaces until there is a demonstrated need. for developed sites on Main street, within the central business district; and located between Hemingway Av. and Taylor Av., at the request of the applicant, the commission may permit a reduction of the additional elderly residential parking requirement to not less than 1.0 spaces per two dwelling units. Said reduction shall be based upon a determination that the existing/expanded on-site parking provided for the ground floor commercial use(s) will be adequate, and a finding that said ground floor commercial occupancies are "low parking demand" uses, and will be appropriately restricted as such. It shall be at the sole discretion of the commission to determine the acceptability of such shared parking. In addition: <u>any future changes of use and/or occupancy will</u> require Commission approval, and may be denied solely on the potential increased parking demand. In approving any such reduction, the commission shall be satisfied that there is also ample "on-street", curb parking available as well as other off-site parking that can be shared on an informal basis, if and when occasionally needed.

34.7.6 All driveways, walks and ramps shall be safely designed, and in compliance with A.D.A. specifications. Sidewalks shall be constructed of Portland cement concrete with a minimum width of five (5) feet. All curbing shall be of Portland cement concrete, either pre-cast, poured in place or extruded. All dumpsters for rubbish disposal shall be suitably enclosed and gated, utilizing materials consistent with the building design and construction. All such facilities shall be adequately lighted for elderly tenants and said lighting shall not be directed onto adjacent streets and/or properties.

34.7.7 The design appearance, materials and finishes of all buildings and structures shall be compatible and in harmony with the general character and appearance of buildings in the immediate vicinity of the site and shall not adversely impact the appropriate development of adjacent properties. in addition, the commission may require the submission of any appropriate and necessary traffic reports, drainage analyses and other information it deems necessary to arrive at an informed decision.

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SECTION 35: OPEN SPACE DEVELOPMENT PLANS

35.1 **GENERAL:** The Planning and Zoning Commission may grant a Special Exception to permit the establishment of an "open space development plan upon application by the owner of the property and after due notice and a public hearing, in accordance with the procedures, standards and conditions herein specified. Before granting such special exception, the Commission shall find that the standards and conditions herein specified have been met and that the special exception will accomplish one ore more of the open space purposes herein stated, and will be in harmony with the purposes and intent of the Zoning Regulations.

35.2 **PURPOSE:** The Commission may grant a special exception for the purpose of authorizing development of single family detached dwellings on individual lots, or on land owned in common, or a combination thereof, in clusters and in such a manner as to preserve open space and conservation areas and provide for a choice of living styles within the Town of East Haven.

In granting of an open space development plan it is recognized that there are moderate to large tracts of land within the R-3, R-4 and R-5 zoning districts which are capable of accommodating such clusters by reason of open space and conservation resources on such tracts, available utilities and suitable location and access within the Town. The Commission shall follow the procedures herein specified, and must find that the special exception will accomplish one or more of the following open space purposes:

35.2.1 To preserve land as un-subdivided and undeveloped open space which preserves or enhances the appearance, character and natural beauty of an area;

35.2.2 To preserve land for park and recreation purposes

35.2.3 To preserve land for the purpose of conserving the natural resources.

35.2.4 To preserve and protect particular areas and terrain having qualities of natural beauty, historic interest, or;

35.2.5 To protect streams, rivers and ponds so as to avoid flooding, erosion and water pollution.

35.3 **APPLICATION:** Application for a special exception pertaining to a proposed open space development plan shall be submitted, in writing, to the Commission; signed by the owners of the land in question; and shall be accompanied by the following {12 copies of each shall be submitted}:

35.3.1 **Boundary:** a map showing the boundary of the proposed development; prepared by and bearing the seal of a land surveyor, licensed by the State of Connecticut, and certifying said map as meeting the standards of an A-2 survey.

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35.3.2 Existing Conditions Map: a map of all of the land within the proposed open space development plan at a scale of not less than 100 feet to the inch, showing no less than the following:

35.3.2.1 Existing contours at a maximum level of five feet, and:

35.3.2.2 For any portion of the development proposed to be used for individual lots for single family dwellings, a preliminary subdivision layout of such area, meeting the requirements of a site development plan as specified in the Subdivision Regulations of the Town of East Haven, but showing the proposed lots under the special exception standards set forth herein.

35.3.2.3 Any portion of the development proposed to be used for single family detached dwellings, not on individual lots, a preliminary site plan showing the schematic location of each such dwelling, and a specific maximum number of such dwelling units by the number of bedrooms in each.

35.3.2.4 The portion of the development proposed to be preserved as open space and the acreage of such spaces, and:

35.3.2.5 A schematic layout of sanitary sewers, water supply and storm drainage facilities proposed to service the development.

35.3.5 Utilities: a report, prepared by a licensed engineer, evaluating and specifying the manner in which the development will be provided with sanitary sewer service, water supply and storm drainage.

35.3.5.1 In any open space development plan, all utilities shall be located underground.

35.3.6 Statement: a written statement, describing the open space purpose to be accomplished, and the proposed method of preservation and disposition of the open space lands.

35.3.7 Additional Information: such additional information or supporting documentation, {e.g. traffic studies} that the Commission may deem necessary to make a reasonable decision on the application.

35.3.8 Conventional Subdivision Plan: The applicant shall submit a stamped, preliminary, conventional subdivision plan for the site, meeting all the requirements of the Zoning and Subdivision Regulations and, in no instance shall the number of lots in the proposed open space development plan exceed the number of lots that can be obtained as a matter of right in a conventional subdivision.

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35.3.9 Fees: The application fee for the filing of a Special Exception for an open space development plan shall be $ 250.00 plus any cost or fees for required advertising.

35.4 STANDARDS and CRITERIA: the application for a special exception, and the proposed open space development plan shall conform to the following standards and criteria:

35.4.1 Area of Development: the acreage encompassed by the open space development plan shall consist of not less than the following:

R-3 District	10 acres
R-4 District	10 acres
R-5 District	20 acres.

An area, less than the above may be considered by the Commission if the proposed development adjoins another such development; or if the proposed open space within the Development will be an adjunct to an existing, permanently reserved area of open space of not less than four [4] acres, located outside the area covered by the application; or if the proposed open space land is deemed suitable for the open space purpose that is specified in paragraph 35.2.5 of this section.

35.4.2 Location: The area covered by the proposed open space development plan shall be located entirely within the Residence, R-3, R-4 or R-5 zoning districts.

35.4.3 Number of Lots, and/or Dwellings: the total number of lots, and/or dwellings shown on the open space development plan shall not exceed the number of lots that could be created in conformity, and as a "matter of right" with the regular Residence R-3, R-4 or R-5 District requirements, as appropriate, and the Subdivision Regulations of the Town of East Haven as indicated on the site development plan submitted under section 35.3.8.

35.4.4 Lot Area and Shape Requirements: each building lot for an individual, single family detached dwelling shall conform to the following minimum requirements:

	R-3	R-4	R-5
Lot area	12,800 s.f.	15,000 s.f.	25,000 s.f.
Street frontage	80 feet	90 feet	115 feet
Dimension of square on lot	80 feet	100 feet	125 feet
Street & Rear Property Line Setbacks:	25 feet	40 feet	40 feet
Other property line setbacks:	15 feet	20 feet	25 feet

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35.4.5 Other Requirements: Single family detached dwellings not on individual lots shall conform to the following additional minimum standards:

	R-3	R-4	R-5
Setbacks from boundary of the development:	30 feet	40 feet	40 feet
Setbacks from edge of drives:			
Dwellings:	20 feet	20 feet	30 feet
Garages:	20 feet	20 feet	20 feet
Space between buildings:	15 feet	15 feet	15 feet

The Commission may modify this separation if the design of the Development is benefitted by the closer spacing.

35.4.6 Water Supply and Sewage Disposal: each building lot and all dwellings shall be served by public water supply and the municipal sanitary sewer system.

35.4.7 Open Space Land: The open space development plan shall result in preservation of significant and desirable land for open space and conservation purposes with suitable access, shape, dimension, character, location and topography to accomplish one or more of the open space purposes specified in section 35.2, above. Such open space land shall be labeled in a manner approved by the Commission to indicate that such land is subject to the special exception, and is not to be used for building development. The minimum area of open space land shall not be less than the following amount, multiplied by the total number of building lots and/or the total number of detached dwellings indicated on the proposed Open Space Development Plan:

	R-3	R-4	R-5
Minimum area of open space per dwelling:	7,500 s.f.	10,000 s.f.	15,000 s.f.

35.4.8 Preservation and Disposition: the minimum area of open space, specified in section 35.4.7 shall be permanently reserved and provision shall be made for retention and preservation of the land by means of ownership operation and maintenance suitable to support the open space. The open space land shall be shown on the open space development plan, and shall be labeled in a manner approved by the Commission to indicate that such land is subject to the special exception, and is not to be used for building lots. The method of preservation and disposition of the open space land shall accomplish the open space purposes intended and shall be subject to the approval of the Commission. The method used may include, but is not limited to one or more of the following:

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35.4.8.1 The establishment of a neighborhood association to own and maintain the land for open space purposes, with development rights conveyed to the Town of East Haven, or other appropriate entity.

35.4.8.2 The transfer of the land to a conservation commission, land trust, organization, person, institution or other entity to own and maintain the land for the open space purpose intended

35.4.8.3 Offer and transfer of the land to the Town of East Haven, subject to agreement by the Town of East Haven to accept such land.

35.5 PROCEDURE and DECISION: Before taking action on the application, the Commission may request the applicant to submit such additional information that it deems necessary to make a reasonable decision of the application. When the Commission is satisfied that a complete application has been filed, the Commission shall hold a public hearing on the application, shall decide thereon, and shall give proper notice of its decision as is required by Law. The applicant may consent in writing to any extension of time for a public hearing and/or for a decision on the application.

35.5.1 Preliminary Action: The Commission may give preliminary approval to the application if the Commission determines that one, or more of the open space purposes specified in section 35.2 can be accomplished, that the standards and criteria of section 35.4 have been met; and that the proposed open space development plan will not be detrimental to the health, safety and property values in the neighborhood. Preliminary approval shall not constitute final approval of the application; but shall only constitute authorization to the applicant to submit a Final Open Space Development Plan as part of the application.

35.5.2 Final Open Space Development Plan: After preliminary approval, the applicant shall submit a Final Open Space Development Plan, preferably at a “40 scale”; but of not less than 60 feet to the inch, showing the following:

35.5.2.1 A final layout of all proposed streets and/or access drives.

35.5.2.2 For any portion of the Open Space Development Plan proposed to be used for individual lots for single family dwellings, a subdivision plan that meets all the requirements for final approval of a subdivision, under the Subdivision Regulations of the Town of East Haven.

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35.5.2.3 For any portion of the Open Space Development Plan proposed to be used for single family detached dwellings not on individual lots, an engineered site plan showing existing and proposed contours, proposed building locations, drives, walks, parking spaces, storm drainage, water supply and sanitary sewers, typical landscaping at a building and general site landscaping, and the natural terrain, not to be disturbed.

35.5.2.4 For single family dwellings not on individual lots, preliminary architectural plans, including generalized floor plans and general exterior elevations and materials, indicative of the basic designs of the proposed dwellings.

35.5.2.5 That portion of the Open Space Development Plan to be reserved and/or conveyed as open space, with specific meets and bounds limits, the acreage of such space and the proposed conveyance or the method of disposition.

35.5.2.6 For that portion or portions of the Open Space Development Plan proposed to be disturbed by construction activity, a specific sedimentation and erosion control plan, with appropriate supporting details.

35.5.3 **Final Approval:** Within 65 days after receipt of the final open space development plan, the commission may approve, approve with conditions or deny said Open Space Development Plan. If the Commission approves the plan, the Special Exception is granted. Said Commission must find:

35.5.3.1 That one, or more of the open space purposes, specified in Section 35.2 will be accomplished

35.5.3.2 That, the standards and criteria detailed in Section 35.4 have been met

35.5.3.3 That the Open Space Development Plan will not be detrimental to the health, safety and property values of the neighborhood

In granting the Special Exception, the Commission may attach such conditions that it deems necessary to preserve the purpose and intent of these Regulations. The Final Open Space Development Plan may be submitted in stages or phases; but the open space land proposed and approved on the "preliminary Development Plan" shall be established in the initial phase, including suitable access to such land.

35.5.4 **Endorsement:** The approval of the Special Exception together with the date of approval shall be noted on the Final Open Space Development Plan, and the map shall be signed by the Chairman of the Commission. An endorsed copy thereof shall be recorded in the Office of the Town Clerk.

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35.5.5 Expiration: Any special exception granted under these provisions shall become null and void one year from the date the special exception was granted if the subdivision map for which the Special Exception was granted has not been recorded in the Office of the East Haven Town Clerk.

35.5.6 Effective Date: The Special Exception shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the land records of the Town.

35.5.7 Completion of Improvements: All work in connection with the approved subdivision and/or site plan for which the Special Exception was granted shall be completed in accordance with the time limits prescribed by the General Statutes.

35.6 PERMITTED USES: Any individual building lot on an approved open space development plan shall be used only for a single family house and accessory structures and customary home occupations as specified in Schedule "A" of these Regulations.

35.7 AREA LOCATION and BULK REQUIREMENTS: Except for the variations specified in section 35.4.5, any individual building lot shown on an approved Open Space Development Plan shall be subject to all of the requirements of section 25 and schedule "B" ordinarily applicable to building lots in an R-3, R-4 and R-5 zoning district.

35.8 OPEN SPACE LAND: The open space land shown on an approved Open Space Development Plan shall be considered a lot with area, dimensions and access as required by these regulations; and shall not be developed except as may be approved under a revised special exception application to support intended park, recreation or other open space purposes. Under no circumstances shall such land be used for additional development, unrelated to said open space purposes. The Commission shall not give a final approval of any Open Space Development until such time as the provisions of section 35.4.8 are in place.

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SECTION 36: ADULT ORIENTED BUSINESSES and ENTERTAINMENT ESTABLISHMENTS

36.1 PURPOSE and INTENT: The purpose and intent of this section is to **regulate uses** which, because of their nature, are recognized as having potentially serious objectionable operational characteristics and which have been proven to adversely affect neighborhood children, community improvement efforts, retail trade and commercial and residential property values; particularly when such uses are concentrated in a small area of the community. Special regulation of these uses is necessary, and the primary purposes of such Regulations are to prevent a concentration of these uses in any one area; to minimize any adverse impacts and to assure that these adverse effects will not contribute to the blighting or degradation of the surrounding neighborhoods. Accordingly, these Regulations are intended to prevent any concentration of these uses and to protect the health, safety, general welfare, property values and quality of life in the Town of East Haven.

36.2 DEFINITIONS: For the purposes of this Article, certain words, and/or terms used herein are defined as follows:

36.2.1 Adult oriented business: A public or private establishment which is customarily not open to the general public; but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes, but is not limited to, one or a combination of the following types of businesses: adult book store; adult motion picture theater; adult mini-motion picture theater; adult video sales and/or rentals; adult cabaret; adult novelty business; adult personal service business and/or establishment.

36.2.2 Accessory Adult Use: An establishment, **other than an adult personal service establishment,** having less than ten [10] percent of its stock in trade in books; magazines; video tapes; adult materials and devices used for sexual stimulation or display films for sale, barter or rent, or for viewing on premises by use of a motion picture and/or slide device; or any other coin operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to **"specified sexual activities"** or **"specific anatomical areas".** Any such adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All personal service establishments and activities shall be deemed to be a principal activity.

36.2.3 Adult Book Store: An establishment having ten {10} percent or more of its stock in trade in books; magazines; video tapes; adult materials and devices used for sexual stimulation or display films for sale or rent or for viewing on premises by use of motion picture or slide projector and/ or VCR type devices or any other coin and/or token operated means; and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to "Specific Sexual Activities" and/or "Specific Anatomical Areas".

36.2.4 Adult Video Store: An establishment having ten {10%} percent or more of its stock in trade, video tapes or films for sale or rent or for viewing on premises by use of motion picture devices or any other coin or token operated means and other printed materials and other periodicals which are distinguished or characterized by their special emphasis on matters depicting or relating to "Specific Sexual Activities" and/or "Specific Anatomical Areas"

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36.2.5 **Adult motion picture theater:** An enclosed building with a capacity of fifty {50} or more persons regularly and routinely used for presenting motion picture films; slides; video cassettes; cable television, or any other such visual media distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specific Sexual Activities" and/or Specific Anatomical Areas" for observation by patrons therein and from which minors are excluded by virtue of age.

36.2.6 **Adult mini-motion picture theater:** An enclosed building with a capacity of less than fifty {50} persons, used regularly and routinely for presenting materials having as a dominant theme, material distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specific Sexual Activities" and/or "Specific Anatomical Areas" for observation by patrons therein and from which minor are excluded by virtue of age.

36.2.7 **Adult cabaret:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features nude or partially nude dancers; go-go dancers; exotic dancers; strippers, either male or female; impersonators or similar entertainers or entertainment; or permanent or temporary members of the establishment's staff or its audience immolating acts that relate to "Specific Sexual Activities" and/or "Specific Anatomical Areas" for observation by patrons therein, and from which minors are excluded by virtue of age.

36.2.8 **Adult novelty business:** an establishment having ten {10%} percent or more of its stock in trade in adult materials, toys, "marital aids", lotions and other devices designed for sexual stimulation and which excludes minors by virtue of age.

36.2.9 **Adult personal service establishments:** an establishment, club, business, by whatever name designated, which offers or advertises or is equipped or arranged so as to allow a person, while clothed, nude or partially nude to provide personal services for an individual of the same or opposite sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include, but are not limited to, massages, body rubs, alcohol or lotion massages or body rubs and other similar treatments; as well as modeling studios, wrestling studios and individual theatrical performances.

36.2.10 **Partially nude:** means having any part of "specific anatomical areas" less than completely and opaquely covered.

36.2.11 **Principal activity:** means a use accounting for ten [10%] percent or more of a business' stock in trade, display space, or floor space or movie display time per month.

36.2.12 **"specified anatomical areas":** (1)…less than completely and opaquely covered human genitals, pubic region, cleft of buttocks and female breast, below a point immediately above the top of the areola; and…(2)…Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

36.3 **EXEMPTIONS:** The provisions of this Article shall not apply to, nor prohibit the following uses and activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut.

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36.3.1 Treatment by a licensed chiropractor, a licensed osteopath a Connecticut licensed masseur or masseuse, a licensed practical nurse or registered professional nurse.

36.3.2 Electrolysis treatment by a licensed operator of electrolysis equipment.

36.3.3 Hospitals, nursing homes, medical clinics or medical offices

36.3.4 Barbershops or beauty parlors which officer massage to the scalp, face, the neck or shoulders only

36.3.5 Athletic facilities of an educational institution; including alumni club, of a philanthropic or charitable institution … and:

36.3.6 Health establishments including commercial and non-commercial clubs which are equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or massage. Physical exercise programs include aerobics, martial arts, boxing or the use of exercise equipment.

36.4 REGULATED USES: Regulated uses refer to all **Adult Oriented Establishments…**

36.4.1 Adult Book Stores

36.4.2 Adult video stores

36.4.3 Adult Motion Picture Theaters

36.4.4 Adult Mini-Motion Picture Theaters

36.4.5 Adult Cabarets

36.4.6 Adult Novelty Businesses; and

36.4.7 Adult Personal Service Establishments

36.5 LOCATION REQUIREMENTS and STANDARDS: An adult oriented establishment may be located in a **Commercial, CA-2 District** and all said adult oriented establishments not identified and excluded in **Section 24; use line 29B** shall be subject to the approval of a **Special Exception** and, in accordance with the following standards and criteria **in addition** to the standards set forth in **Sections 33 and 34** of the East Haven Zoning Regulations.

36.5.1 Additional Standards:

36.5.1.1 No such adult oriented establishment shall be located within **150 feet** of a **residentially zoned area.**

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36.5.1.2 No such adult oriented establishment shall be located within **500 feet** of the property line of any public, private or parochial school or other educational facility serving individuals under the age of 17 years; day care centers, and/or licensed day care residences; park or library or similar public building, playground, church, convent, monastery, synagogue or similar place of worship or a cemetery.

36.5.1.3 No such adult oriented establishment shall be located within **500 feet** of the property line of any lot containing a pre-existing establishment which sells alcoholic beverages (other than beer and wine) for **on-premises consumption**; or within **200 feet** of the property line of any lot containing a pre-existing restaurant or other food service establishment which does not sell alcoholic beverages (other than beer and/or wine) for on-premises consumption.

36.5.1.4 No such adult oriented establishment shall be located within **1,000 feet** of another such establishment having a classification of an adult oriented establishment; whether pre-existing or proposed.

36.5.1.5 For purpose of compliance with the separation requirements, distances shall be measured in a straight line; without regard to intervening structures or objects, from the principal entrance to the building containing or proposing to contain an adult oriented establishment to the nearest boundary of the premises containing the uses specified in 36.5.1.1 through 36.5.1.4 above.

36.5.1.6 In accordance with Connecticut General Statute 8-6, these Regulations and provisions **shall not be varied** by the **Zoning Board of Appeals** in order to accommodate the location of an adult oriented establishment.

36.6 **SIGN and EXTERIOR DISPLAY LIMITATIONS:** No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "Specified Sexual Areas" from any public way, or from any property not registered as an "Adult Oriented Establishment". This requirement shall also apply to any display, decoration, sign, show window or other opening.

36.7 **REGISTRATION REQUIREMENT:** All Adult Oriented Establishments **shall** be registered with the Zoning Office of the Town of East Haven. It shall be a violation of these Regulations for the owner or person in control of any property to establish or operate thereon; or permit any person to establish or operate thereon, a regulated Adult Entertainment and/or Business establishment without having received Zoning Approval; with having properly registered the regulated Adult Oriented Establishment. Any lawful pre-existing Adult Oriented Business and/or Establishment, in operation prior to the effective date of these regulations shall be registered within **thirty [30] days** of the effective date of these Regulations. It shall be the responsibility of the owner of a building, or his/her agent responsible for the management or control of a building or premises which contains an Adult Oriented Establishment to furnish and maintain, on a current basis, to the East Haven Zoning Office, the following information:

36.7.1 The correct street address of the premises

36.7.2 The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust

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36.7.3 The address of the owner or the beneficial owners

36.7.4 The trade name of the regulated, Adult Oriented Establishment

36.7.5 The name[s] and address[es] of the owner, beneficial owner, or the major stockholders of the regulated Adult Oriented Business and/or Establishment.

36.7.6 The date of the initiation of the regulated Adult Oriented Business and/or Establishment

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

36.8 **SEVERABILITY:** Should any Court of competent jurisdiction declare any section, clause or provision of this Regulation to be unconstitutional, such decision shall affect only such section, clause or provision of this Regulation.

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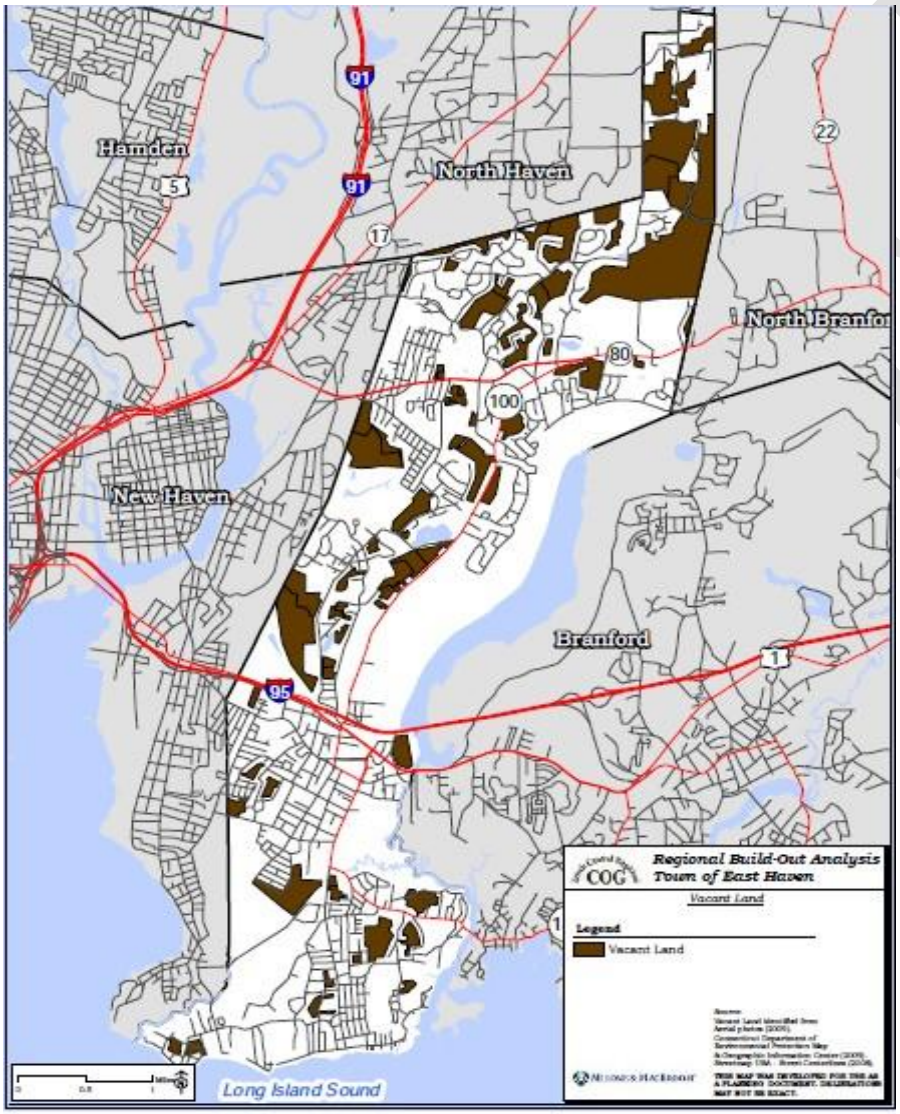
SECTION 37: AFFORDABLE HOUSING (Adopted August 2013)

PART 1- Introduction

East Haven is a small shoreline town in New Haven County with a population of just under 30 thousand people and about 12 square miles in size. For the most part, East Haven is a relatively built out community to its urban fringes (Map 1) with some vacant land for development in the North end of town. East Haven boarders four (4) other municipalities (New Haven, North Haven, North Branford, and Branford). There are 11,898 housing units currently in East Haven and the median price for a single family home in the town is just over 200 thousand dollars on average.



MAP 1: South Central Regional Council of Governments, SCRCOG, Regional Built Out Analysis, 2010

The map above (Map 1) shows just how built out East Haven has become over the years, with 2,369 people per square mile, which makes East Haven by definition an urban community . The northern area of town has by far the lesser population density throughout the town, whereas the center and beach areas are where most of East Haven's density is concentrated. Route 80, which is one the top ten (10) busiest roads in the state , and one of East Haven's main commerce areas, separates the

north and south areas of East Haven. North of Route 80 towards North Haven and North Branford are where the rural parts of the town are located.

The north end of town is where most of the vacant buildable land is located and in an attempt to control urban sprawl the town's future planning and the Planning and Zoning Commission must be careful about future residential development. Urban sprawl is haphazard growth or outward extension from a core city, in this case New Haven which ends up resulting in uncontrolled and poorly managed automobile dependent development. Sprawling development, which the North end of town is ripe for is what the Planning Department and Commission want to be able have complete land use control of so that the mistakes of the past are not repeated.

The rural area (North end) of East Haven is all zoned R3, R4 or R5, which call for larger lot sizes and the reason those areas are zoned that way was to control density and sprawl. Population density isn't always a bad idea, depending on the location and circumstance. If the current zoning warrants larger lots then rezoning an area to squeeze in single family housing that is nonconforming to the general area is always going to be controversial with the surrounding neighborhoods and in theory and practice, creating urban sprawl is just poor land use planning practices.

In order to control density, the Planning & Zoning Commission needs to weigh many factors in their decision making in the North area of town. Some of those factors are the effects and impact that the East Haven School system will have to absorb in additional students and additional funding. Traffic is another impact that always needs to be considered. Even though a street such as Strong Street for example would be considered a collector street or even a local street by definition, there would still be an impact on the volume of traffic. Another factor that must always be considered is the environmental impact on any high density housing project. Environmental issues are so crucial to development, especially when the community is built out to its fringes. Urban sprawl has already taken up much of the buildable land in East Haven and the northern area of East Haven is where most of the open space in town is left. (See Map 2)

East Haven is in the same situation as many other communities, in that con- trolling urban sprawl is a continuous problem. Sprawling development threatens the state's and East Haven's natural resources and farmland, for instance the amount of land in urban and suburban uses increased more than eight (8) times faster than the population did between 1970 and 1990. That increase percentage is something that East Haven would like to avoid, especially in the northern area of town where the land there is zoned for larger lots. Any new development in the northern area must conform with today's zoning regulations and already built environment that currently exists there. Also any new development in the northern area of town must conform with the Town's Plan of Conservation and Development which does promote affordable housing, however when looking at Map 2 (next page) , one will see that most of the open space left in town is in the North.

For any community attempting to curb urban sprawl it is a challenge, however it is a challenge that most, if not all municipalities in Connecticut have to face. This plan is two fold in nature, first is the beginning of East Haven's attempt to curb urban sprawl and ensure that future generations have open space to enjoy and keep the character of East Haven's neighborhoods in conformity with our current POCD. Second, and most importantly this plan is going to put land use controls on any and

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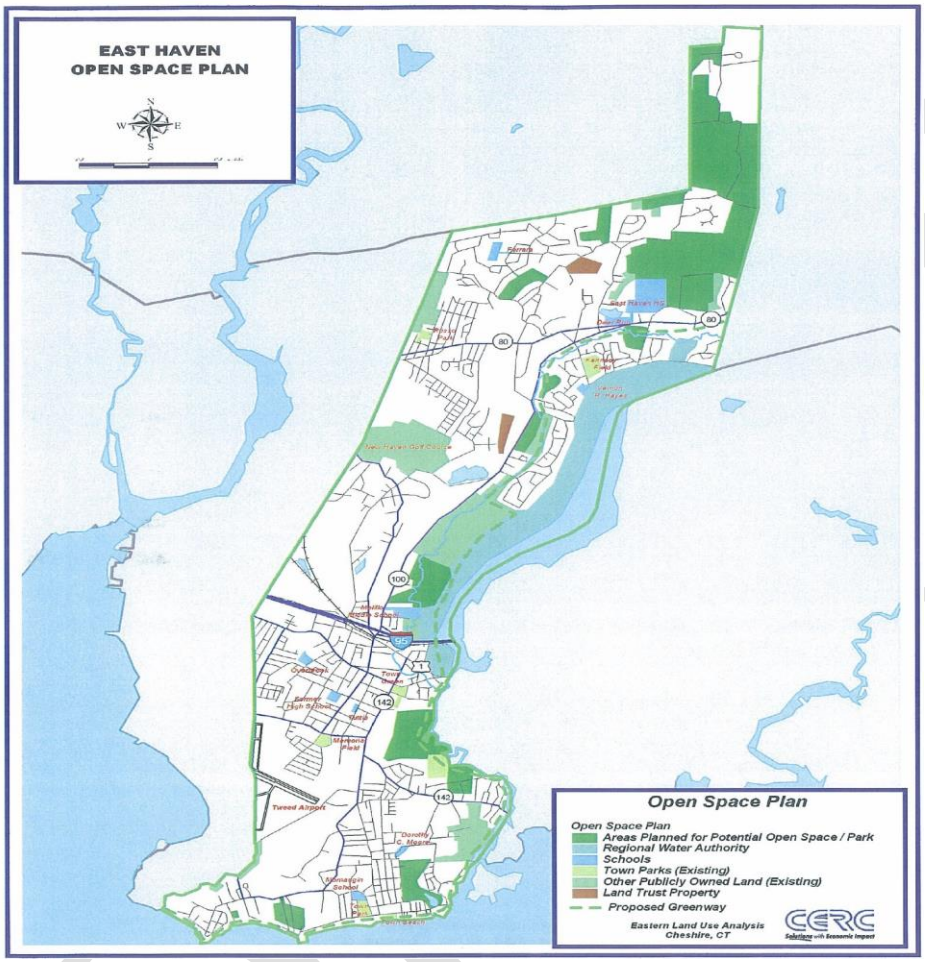
all affordable housing proposals that are brought before the commission.

On page 41 of East Haven's POCD it states as an Open Space Goal, that the town, "Preserve the remaining significant open space resources of East Haven in order to maintain the quality of life of the community, preserve residential neighborhoods, protect the natural environment, prevent environmentally detrimental development, and to preserve the natural resources of the Town."



Map 2: East Haven Plan of Conservation & Development, 2007, page 45

MISSION STATEMENT

The Town of East Haven's Affordable Housing Plan is a document that intends to develop a course of action that calls for logical, reasonable strategy to create affordable housing in East Haven. The plan will address two (2) main goals which are to develop affordable housing in areas where it conforms to the already built environment and also to provide East Haven with the planning/ land use controls over the proposal of any affordable housing development plan that may come before the Planning and Zoning Commission.

POLICY STATEMENT

The Town of East Haven is committed to increasing its affordable housing stock, which currently stands at 7.2% (10% is required by State Statute 8-30g). So in reality East Haven is better off than

most towns in Connecticut, considering only 33 of the 169 municipalities meet the 10% requirement.

It shall be the policy of East Haven in regards to Affordable Housing to promote the growth and development of affordable housing, while also controlling the land use planning of any plan that may come before the Planning & Zoning Commission that pertains to affordable housing. Also the town will allow, under the right circumstances affordable housing in all residential zones as long as the land use controls set forth in this plan are met.

(continued on next page…)

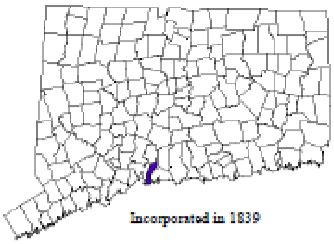
DEMOGRAPHICS

East Haven, Connecticut

CERC Town Profile 2012

Town Hall
250 Main Street
East Haven, CT 06512
(203) 468-3204

Belongs to
New Haven County
LMA New Haven
South Central Economic Dev. Region
South Central Connecticut Planning Area



Incorporated in 1839

Demographics

Population (2011)	*Town*	*County*	*State*
1990	26,144	804,219	3,287,116
2000	28,189	824,008	3,405,565
2011	29,673	871,258	3,610,073
2016	30,766	905,825	3,754,486
'11-'16 Growth / Yr	0.7%	0.8%	0.8%
Land Area (sq. miles)	12	606	5,009
Pop./ Sq. Mile (2011)	2,418	1,438	721
Median Age (2011)	40	39	40
Households (2011)	12,004	340,030	1,391,975
Med HH Inc. (2011)	$63,971	$63,310	$70,705

Race/Ethnicity (2011)	*Town*	*County*	*State*
White	26,289	651,407	2,800,328
Black	848	110,922	365,949
Asian Pacific	973	30,890	138,364
Native American	50	2,521	11,369
Other/Multi-Race	1,513	75,518	294,063
Hispanic (any race)	3,228	139,381	512,039
Poverty Rate (2010)	8.3%	10.9%	9.2%

Educational Attainment (2011)

Persons Age 25 or Older	*Town*	*%*	*State*	*%*
High School Graduate	8,350	42%	702,670	29%
Some College	4,567	23%	594,209	24%
Bachelors or More	4,668	24%	883,658	36%

Age Distribution (2011)

	0-4		*5-17*		*18-24*		*25-49*		*50-64*		*65+*		*Total*
Male	799	3%	2,588	9%	1,583	5%	4,882	16%	2,742	9%	1,795	6%	14,389
Female	979	3%	2,407	8%	1,468	5%	4,877	16%	2,947	10%	2,606	9%	15,284
County Total	53,213	6%	145,329	17%	84,217	10%	297,919	34%	166,460	19%	124,120	14%	871,258
State Total	217,641	6%	611,932	17%	343,959	10%	1,213,300	34%	711,463	20%	511,778	14%	3,610,073

Economics

Business Profile (2005)

Sector	*Establishments*	*Employment*
	% of Total	
Agriculture	2.9%	1.0%
Const. and Mining	14.4%	8.1%
Manufacturing	6.0%	9.7%
Trans. and Utilities	4.1%	4.7%
Trade	25.5%	31.9%
Finance, Ins. and Real Estate	7.1%	6.6%
Services	36.2%	32.4%
Government	3.8%	5.7%

Top Five Grand List (2009)	*Amount*	*% of Net*
Vigliotti Owned Properties	$22,694,010	1.0%
Nicoli Properties	$14,665,420	0.7%
Benchmark Gpt	$13,483,560	0.6%
Schaffer Owned Properties	$13,133,310	0.6%
HP Stony Brook Village	$12,569,020	0.6%
Net Grand List (2009)	$2,254,704,433	

Top Five Major Employers (2006)

Super Stop & Shop
Thermatool Corp.
Village at Mariners Point
Laural Woods
Talmadge Park Health Care

	Town	*State*
Retail Sales (2007) *All Outlets*	$296,138,827	$136,936,194,241

Education

2009-2010 School Year	*Town*	*State*
Total Town School Enrollment	3,810	552,782

Most public school students in East Haven attend East Haven School District, which has 3,530 students.

Connecticut Mastery Test Percent Above Goal

	Grade 4		*Grade 6*		*Grade 8*	
	Town	*State*	*Town*	*State*	*Town*	*State*
Reading	54	61	70	69	61	69
Math	60	64	63	69	60	65
Writing	55	64	58	62	63	67

For more education data please see:
http://www.state.ct.us/sde/

Students per Computer	*Town*	*State*
Elementary:	4.9	4.1
Middle:	3.4	2.8
Secondary:	2.2	2.7

Average Class Size

Grade K	16.1	Grade 2	16.4
Grade 5	17.7	Grade 7	16.0
High School	20.3		

Average SAT Score

	Town	*State*
Reading	462	503
Writing	471	506
Math	454	508

www.cerc.com

No representation or warranties, expressed or implied, are given regarding the accuracy of this information.

East Haven

Connecticut

CERC start here
Connecticut Economic Resource Center, Inc.

Government

Government Form: Mayor-Council

Total Revenue (2010)	$76,940,939
Tax Revenue	$51,611,706
Non-tax Revenue	$25,329,233
Intergovernmental	$22,884,200
Per Capita Tax (2010)	$1,776
As % of State Average	71.7%

Total Expenditures (2010)	$78,565,834
Education	$44,137,267
Other	$34,428,567
Total Indebtness (2010)	$52,789,047
As % of Expenditures	67.2%
Per Capita	$1,816
As % of State Average	81.5%

Annual Debt Service (2010)	$7,635,801
As % of Expenditures	9.7%
Eq. Net Grand List (2008)	$2,968,044,077
Per Capita	$100,520
As % of State Average	60%
Date of Last Revaluation (2009)	2006
Moody's Bond Rating (2009)	Baa1
Actual Mill Rate (2010)	22.85
Equalized Mill Rate (2010)	17.09
% of Grand List Com/Ind (2007)	12.1%

Housing/Real Estate

Housing Stock (2009)	*Town*	*County*	*State*
Existing Units (total)	11,989	352,042	1,452,007
% Single Unit	69.1%	59.5%	64.8%
New Permits Auth. (2009)	13	509	3,786
As % Existing Units	0.11%	0.14%	0.26%
Demolitions (2009)		212	1,219
House Sales (2009)	156	3,553	14,696
Median Price	$211,500	$246,000	$265,000
Built Pre 1950 share (2000)	26.3%	33.2%	31.5%

Owner Occupied Dwellings (2009)	7,149	185,400	812,964
As % Total Dwellings	61%	53%	57%
Subsidize Housing (2008)	831	41,649	149,355

Distribution of House Sales (2009) Number of Sales	*Town*	*County*	*State*
Less than $100,000	1	80	346
$100,000-$199,999	59	953	3,539
$200,000-$299,999	81	1,347	4,847
$300,000-$399,999	11	645	2,510
$400,000 or More	4	528	3,454

Labor Force

Place of Residence (2011)	*Town*	*County*	*State*
Labor Force	16,751	457,670	1,918,145
Employed	15,128	413,076	1,749,489
Unemployed	1,623	44,594	170,828
Unemployment Rate	9.7%	9.7%	8.9%
Place of Work (2011)			
# of Units	527	22,256	103,381
Total Employment	6,260	300,474	1,612,373
2000-'11 Growth AAGR	-1.0%	-1.8%	-0.3%
Mfg Employment	417	33,266	166,279

Commuters (2000)

Commuters into Town from:	
East Haven	2,287
New Haven	1,145
Branford	391
West Haven	366
Hamden	290
North Haven	281
Guilford	202
Wallingford	147
Milford	132
Madison	122

Town Residents Commuting to:	
New Haven	3,577
East Haven	2,287
North Haven	1,276
Branford	1,207
Hamden	811
Wallingford	633
West Haven	527
Milford	487
Guilford	356
Orange	278

Other Information

	Town	*State*
Banks (2007)	7	1,029
Crime Rate (2009)		
Per 100,000 Residents	124	298

Library (2010)	*Town*
Total Volumes	68,290
Circulation Per Capita	5.3

Distance to Major Cities	*Miles*
Hartford	33
Boston	118
New York City	72
Providence	82

Residential Utilities

Electric Provider
The United Illuminating Co.
(800) 257-0141

Gas Provider
Southern Connecticut Gas Company
(203) 382-8111

Water Provider
South Central CT Regional Water Auth.
(203) 562-4020

Cable Provider
COMCAST/BRANFORD
(800) 266-2278

www.cerc.com

No representation or warranties, expressed or implied, are given regarding the accuracy of this information.

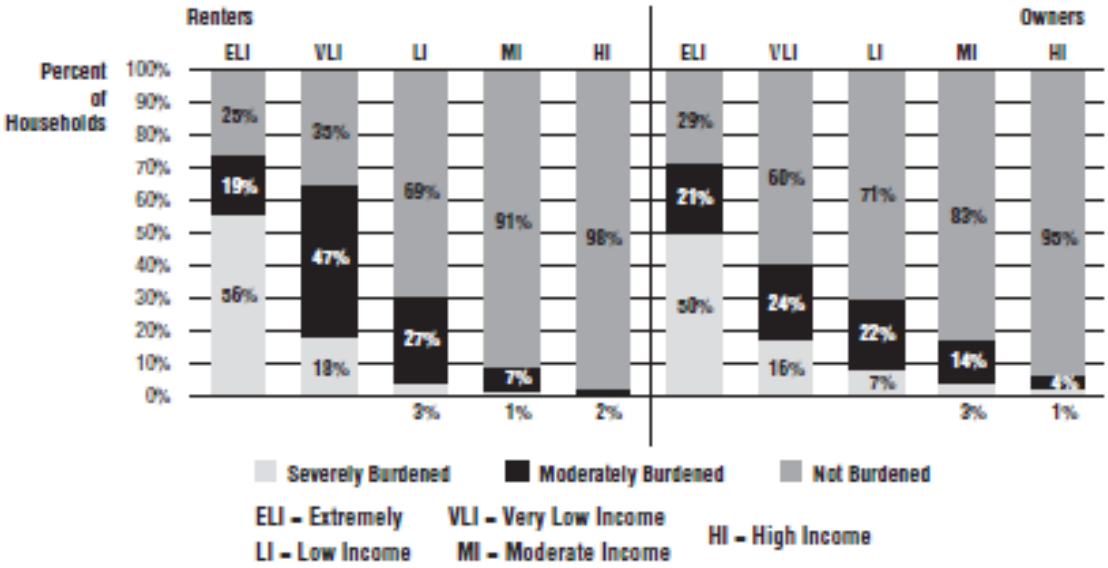
PART 2- Affordable Housing

Connecticut like many other states in America has adopted what is called an "Affordable Housing Law", which when defined by the statutes Chapter 128, §8-39a states, "Affordable Housing means housing for which persons and families pay thirty (30%) percent or less of their annual income, where such income is less than or equal to the area median income for the municipality in which such housing is located, as determined by the United States Dept. of Housing and Urban Development."

Connecticut requires all 169 municipalities to have 10% of their housing stock deemed affordable by state statute Chapter 126a, §8-30g, which was originally adopted by the state legislator in1989. Municipalities have the ability to appeal the 10% rule. Changes were made to 8-30g following a Blue Ribbon Commission on affordable housing in 1999, and changes were made to the law in 2000.

Connecticut has one of the largest disparities between the have and the have-nots. The affordability gap in Connecticut between salaries and the price of housing is dramatic, and the end result is usually vacant or foreclosed homes within the respective municipality.

FIGURE 1-1
OWNERS AND RENTERS FACE SEVERE AFFORDABILITY PROBLEMS

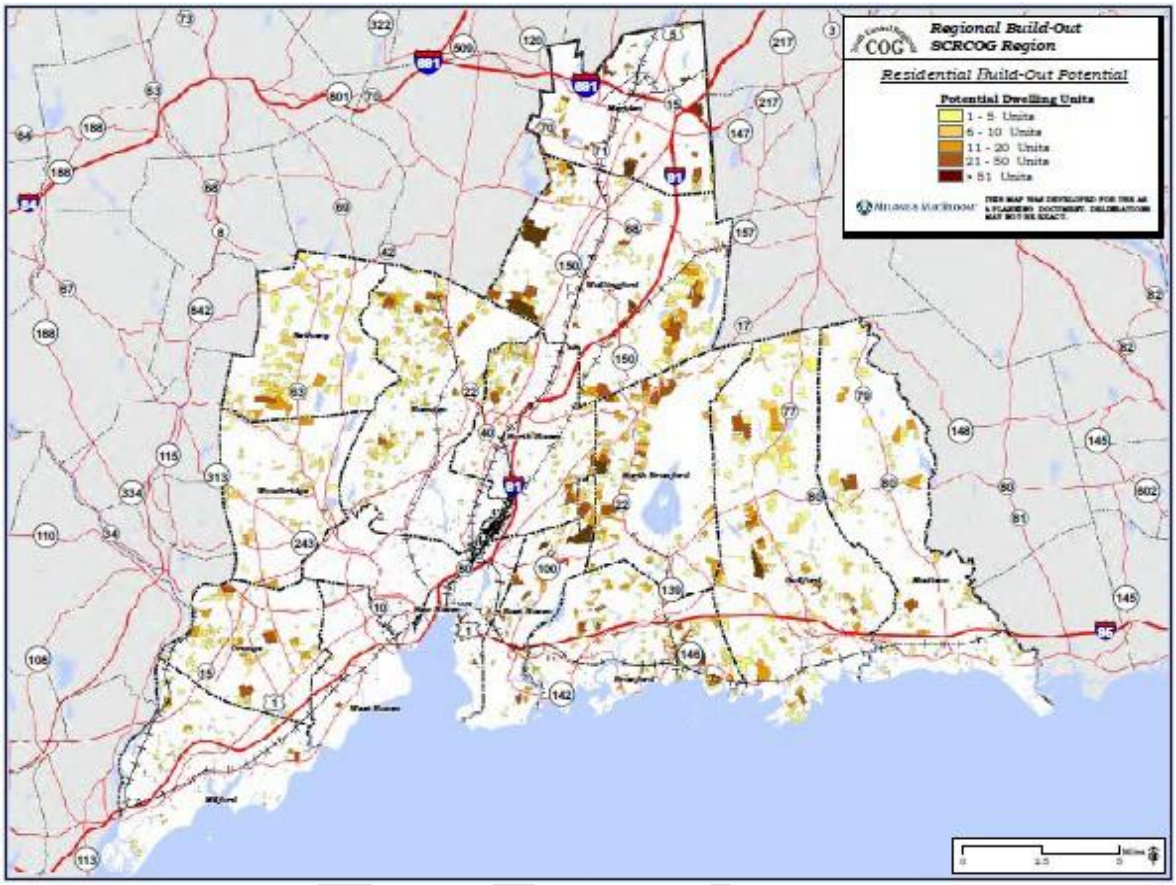


Source: Millenial Housing Commission (2002, 15)

STATE OF AFFORDABLE HOUSING IN CONNECTICUT

Connecticut loses more population between the ages of 24-35 every year, which is more than any other state in America. Granted some of that has to do with geographic location between Boston and New York, however that age group leaves Connecticut not simply because of the lack of employment in Connecticut, housing prices play a large part. Housing prices in Connecticut have gone up over 50% in the last ten years and salaries have gone up only 31%, so when looking at those numbers it is easy to see the affordability gap in Connecticut. Also it shows that more affordable

housing is needed throughout the state. The high cost of housing is often cited as one of the primary factors why Connecticut has lost a large percentage of its young adult population over the past twenty years.



MAP 3: Residential build out potential of New Haven County

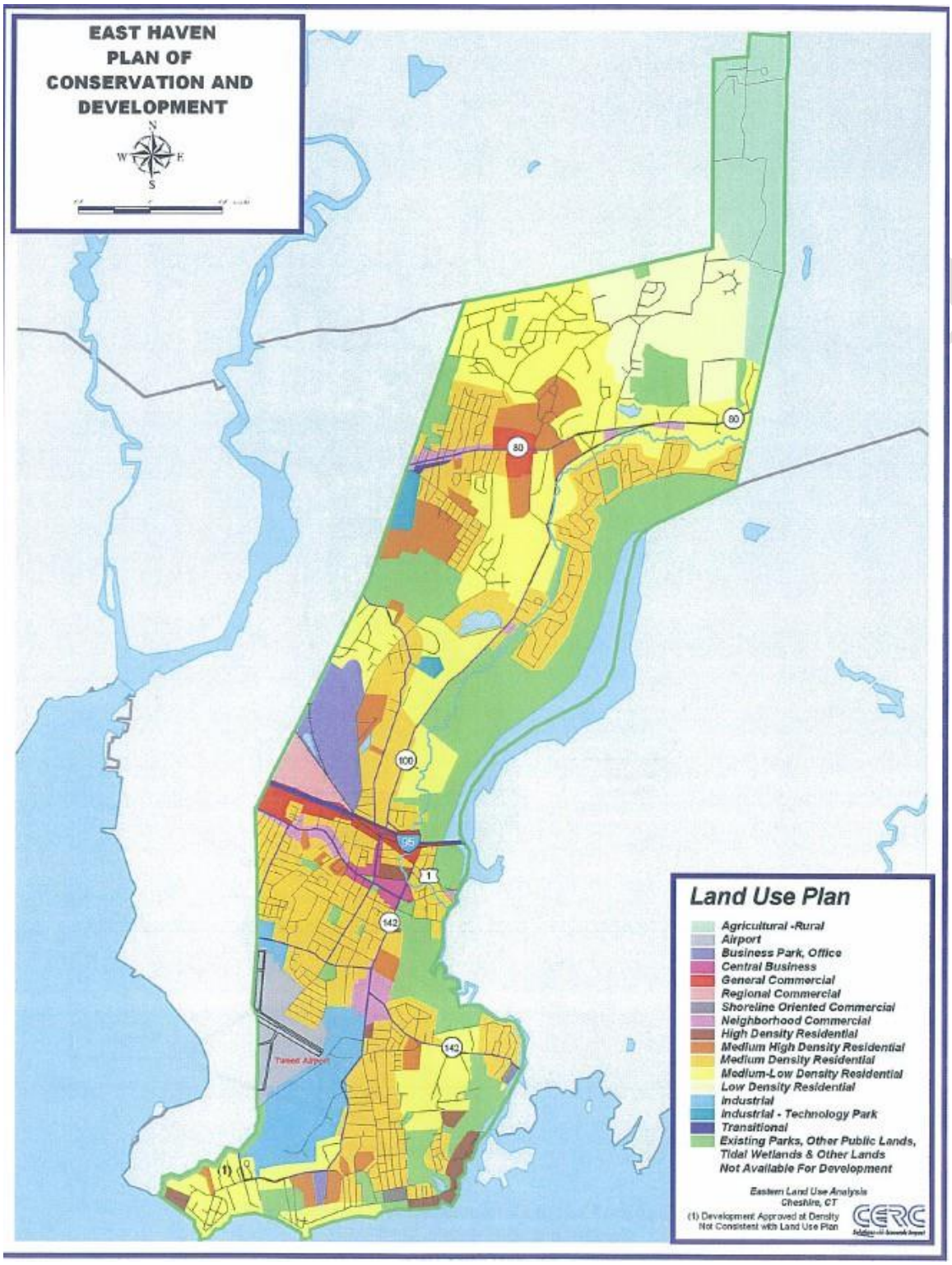
When looking at the above map (3) it is easy to see that the potential for development within New Haven County is there, however certain municipalities such as East Haven, New Haven, West Haven, where affordable housing is needed most are already built out to their urban fringes. Other communities such as Cheshire or Woodbridge greatly discourage affordable housing due to their demographic populations. The State of Connecticut's Conservation & Development Policies, which was recently adopted, has six growth management principles and number two addresses housing, and it states that, "Demographic trends indicate that Connecticut's population, along with most of the nation is aging. The sheer magnitude of the number of members in the 'baby boom' generation, combined with increased life expectancy, will have profound effects on our communities and society in general well into the future."

The American Planning Association (APA) states in their Policy Guide on Housing, that "Affordability problems affect both renters and home-owners. Even among people with relatively better paying jobs, higher housing costs precipitate a significant decline in real, spendable income. For both renters and homeowners, housing and transportation costs consume a large share of the household budget. The widespread problem has a profound impact on the quality life for families, especially children, and on the overall well-being of neighborhoods and communities."

As stated before East Haven is in good shape with affordable housing, having roughly 7.2% of its housing stock deemed affordable. Also when looking at East Haven as a whole and the average price of a single family home being around 200 hundred thousand dollars, in the range of what would be deemed affordable.

(continued on next page…)

Part 3 – Land Use Controls



Map 4 Land use map of East Haven, POCD

The following standards will apply to all affordable housing plans that are proposed in East Haven. Connecticut Statute 8-30g (see appendix) is the statute that governs Affordable Housing Development in the state, and the Town of East Haven will adhere to all the rules and regulations of the statute as long as proposals for affordable housing meet the following criteria.

ZONE: Depending on which zone a proposal comes in as (R1, R2, R3, etc…) the commission has the right to change said zone to what would be called an Affordable Housing District (AHD). For a zone to be changed to AHD, there must be a minimum of no less than 7 acres of buildable land. In Zones above R3 (R4 & R5), the schedule 'B' General Bulk Standards would apply regarding square footage, all setbacks, lot cover-age (etc…). For instance, in an R5 zone the applicant would need 40 thousand square feet per lot and would have to meet all setbacks that are already in the current zoning regulations.

INFRASTRUCTURE:

Every plan proposed will have the following:

1) Sidewalks on both sides of the street (no exceptions)
2) Street width will be a minimum of 30 feet
3) Detention basins/ ponds will be shown on the plan along with an licensed engineering report for drainage
4) Traffic Study by a licensed engineer
5) Street lighting will be shown and adequate for the plan
6) Depending upon the size of the project; traffic calming techniques may be placed on the plan by the town planner or P & Z commission as additional conditions
7) A minimum of 30% open space will be incorporated into the plan
8) All sidewalks and curbing will be concrete
9) Contractor will be responsible for infrastructure: (gas, sewers, catch basins, etc…) *Catch basins will be a minimum of 300 feet apart, no exceptions.

NOTE: The Town's Engineer, Town Planner, Town Attorney, and members of the commission have the right to add to any of these infrastructure requirements as they see fit for said proposal of any plans that may come before the commission. The Town's subdivision regulations may be used as criteria for any proposal as the commission or Town Engineer see fit.

SETBACKS:

The following setbacks will be required in any proposed affordable housing project in East Haven and they are not subject to debate or change at any time.

1) Lot Size- 7200 square feet (minimum)
2) Frontage- 60 feet
3) Side Yard Setback- minimum of 15 ft
4) Front Yard Setback- 20 feet
5) Rear Yard Setback- 20 feet

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6) Setback from any permanent structures- 25 feet
7) Height- 30 feet (no exceptions)
8) Lot Coverage- 25%
9) Setback from Street line- 20 feet

- **FLOOD PLAIN AREA**- If proposed plan is in a flood plan, then the applicant will follow the subdivision regulations 2.2.11 which clearly states that the plan will include Base Flood Elevation Data from a licensed surveyor, certified by the State of CT and in A2 format.

- **PUBLIC HEARING-** Applicant will be entitled to a public hearing and the commission will have 65 days to make its decision and the commission has a right to extend that time for any additional information it may need to render a decision.

- **DESIGN-** Any proposal that comes before the Planning and Zoning Commission will conform to the abutting neighborhoods and will adhere to the Plan of Conservation and Development, which does on page 27 promote Affordable Housing stating that, "Since the housing stock in East Haven is relatively affordable at the current time, the emphasis should be on retaining existing units as affordable."

- The commission holds the right to refer to the Town's subdivision regulations for any other land use controls that it feels may pertain to said affordable housing proposal, such as setting pricing on bonds, soil testing, etc…

Part 4- Analysis of Affordable Housing in East Haven

Currently in 2013, East Haven is the one town in New Haven County in which its current housing stock is below market rate. The prices on homes in East Haven are affordable and will continue to be affordable. With an average price for a home under or around 200 thousand dollars and today's low interest rates, East Haven is by far the best buy for one's dollar in all of New Haven County.

RECOMMENDATIONS:

- Allow for affordable housing proposals in appropriate areas of town as long as they meet the Affordable Housing's Plan

- Preserve the integrity and character of our neighborhoods

- Use the Block Grant and other funding sources to fix up existing neighborhoods

- The zoning regulations should reflect the current pattern of development in town

- Recognize and encourage affordable housing for families and individuals who can't currently afford market rate housing

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- Maintain existing units in a safe, sanitary, and sound structural conditions

- Encourage and protect stable residential development of long term quality and a favorable range of housing values.

- Encourage the clustering of new housing units, in appropriate locations and quantity, to preserve and create valuable open space, in a manner that would enhance the neighborhood.

- Housing development that revitalizes and strengthens the neighborhood fabric of the town should be encouraged

- High density housing should be located in favorable locations such as town centers, along transit arteries, and in proximity to services and town centers

- High density housing should not be built in locations not conducive to sound residential neighborhoods

Conclusion

East Haven should preserve the north area of town and not allow for high density development. Affordable housing, which although encouraged by the town should be proposed in areas where it fits in with the current zoning and neighborhoods. Allowing high density housing projects in zones such as R4 or R5 simply doesn't make sense and doesn't conform to the Town's POCD.

As previously stated the commission needs to protect our open space and ensure that the town doesn't become an example of urban sprawl. Open space and protecting our already built out areas is extremely important to the future of East Haven. This document is the first step in hopefully changing the way the town develops for the better and to allow future generations to not repeat the wrongs in development that we are currently trying to make right.

References:

Town Profiles: Connecticut Economic Resource Center: ***CERC***, 2013;: East Haven

[2] According to American Planning Association, the definition of **Urban** is that, *"All of population & territory within the boundaries of urbanized areas and the urban portions of places outside urbanized area that have a decennial census population of 2,500 persons or more."* APA Dictionary, 2001 page 432

[3] NOTE: According the State of Connecticut's Dept. of Transportation (DOT) Route 80 is the seventh (7th) busiest arterial road in Connecticut.

[4] *Connecticut Metropatterns: Regional Agenda for Community and Prosperity in Connecticut*; Ameregis; Metropolitan Area Research Corporation; March 2003, page 1

[5] *Plan of Conservation & Development*; Town of East Haven, September 2007, page 41

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[6] NOTE: That population lose is over 75% of college graduates.

[7] *Conservation & Development Policies: A Plan for Connecticut*: Office of Policy and Management, Hartford; 2013-2018, page 11

[8] IBID: page 11

[9] *Policy Guide on Housing*: American Planning Association; 2006; page 2

[10] *Plan of Conservation & Development*: Town of East Haven, 2007; page 27

[11] NOTE: Some of the recommendations were taken from the Housing section of the POCD

SECTION 37: AFFORDABLE HOUSING:

37.1 Purpose: The planning & Zoning Commission hereby recognizes that there is a need to increase affordable housing in the town, to provide housing for our senior and workforce populations, and housing that is attractive to and affordable by young adults. However, it is important that all housing, including affordable housing, be developed in a manner which is consistent with the character and history of the Town, and is guided in a manner which is beneficial to all residents of the town. The Affordable housing regulations were established to encourage development of affordable housing to achieve the following:

1. Encourage property owners and developers to seek out opportunities to provide affordable housing and increase the availability of affordable housing in the Town.

2. Establish a procedure of the approval, construction and completion of enough affordable housing units to qualify for a moratorium under the provision of General Statues 8-30(g), and will provide such assistance as may be needed to achieve this goal.

3. Ensure that applications submitted under General Statutes 8-30(g) result in safe, desirable communities, such applications shall be reviewed by the Commission, subject to the provisions of this Section.

37.2 Definitions:

1. As used in this Section, the term "Affordable Housing Application" shall be as set forth in Connecticut General Statutes § 8-30(g).

2. As used in this section, the term “affordable Housing Development” shall be set forth in Connecticut General Statutes § 8-30(g).\

3. As used in this Section, the term "Set-Aside Development" shall be as set forth in Connecticut General Statutes § 8-30(g), as amended, meaning "a development in which not less than thirty percent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial

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occupation of the proposed development, such dwelling units shall be sold or rented at or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the median income. In a set-aside development, of the dwelling units equal to not less than fifteen percent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty percent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty percent of the median income and sixty percent of median income, as required by § 8-30(g).

4. As used in this Section, the term "Affordable Unit" shall mean a dwelling unit in a Set-Aside Development which is designated to be conveyed subject to deed restrictions concerning the sales or rental price of the unit.

5. As used in this Section, the term "Market Rate Unit" shall mean a dwelling unit in a Set Aside Development which is designated to be conveyed no subject to any deed restrictions concerning the sales or rental price of the unit.

6. As used in this Section, the term "Median Income" shall be as set forth in Connecticut General Statues § 8-30(g), as amended, meaning "after adjustments for family size, the lesser of the state median income or the area median income for the region in which the Town is located, as determined by the United States Department of Housing and Urban Development.

7. This Section may refer to terms which are defined in Connecticut General Statutes § 8-30(g); such terms shall have the meaning ascribed to them by said statute.

37.4 Applicable Zoning Districts: Affordable Housing developments shall be permitted by Special Exception only in the following zoning districts:

R-1	RA-2	CB-2
R-2	CA-1	CC
R-3	CA-2	CD
RA-1	CB-1	DRA-1

37.4 Affordable Housing Development Design and Construction Standards: In order to further substantial public interests in health and safety, and to ensure that the legal requirements provided by Connecticut General Statutes § 8-30(g) are met, the Commission has determined that in addition to any other requirement of these Regulations, Affordable Housing Developments shall comply with the following design and construction standards:

37.4.1 Size of Units: In a Set-Aside Development, Affordable units and Market rate Units shall be of comparable size and workmanship. For purposes of this section, the term comparable size shall mean that:

a. The gross square footage of each Affordable Unit shall be no less than 75% of the average size of all Market Rate units.

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b. The number of bedrooms in each affordable unit shall be no less than the average number of bedrooms provided in all Market Rate Units, rounded up to the nearest whole number, minus one (1) bedroom.
c. No more than two (2) units which are designated as Affordable Units may be located adjacent to each other on the same street, road, driveway, or cul-de-sac.
d. Affordable Units and Market Rate Units shall be constructed at a ratio of 2 market Rate Units for each Affordable Unit. Affordable units for persons earning 80% of the median income shall be constructed alternately with those for persons earning 60% of the Median income. No building permits may be issued for Market Rate Units, or for structures containing more than one Market Rate Unit, if the ratio of building permits issued for Market Rate Units would exceed the ratio stated in the Section.

37.5 Application Requirements: All applications for an affordable housing set -aside development shall include the following:

37.5.1 Conceptual Site Plan: The Conceptual site plan shall be submitted for review by the Commission, and should contain the following information:

a. Conceptual Site Plan at a scale on 1 inch equals 100 feet.
b. Boundaries of the parcel.
c. General topography highlighting areas including, inland wetlands and watercourses, flood hazard areas, heavily wooded areas and other significant natural or man-made features of the land.
d. Proposed location of all units and structures used.
e. Proposed roads, driveways, and parking areas.
f. Sample floor plans for each proposed unit style, including a designation of the principal use for each room.
g. A community lighting plan, addressing street lighting on public and private roads, off- street lighting and lighting to be affixed to buildings.

37.5.2 Narrative: A narrative shall be submitted to accompany the Conceptual Site Plan describing:

a. Proposed total number of residential units.
b. Proposed total number of affordable units and the affordability levels of the affordable units.
c. The proposed size and/or number of bedrooms of the market rate units, and the different levels of affordable units.
d. Proposed method, demand and capacity of water supply and systems.
e. Proposed method, demand and capacity of sanitary waste disposal and systems.
f. Proposed completion sequence.

37.5.3 Traffic Impact Study: The applicant shall submit a traffic impact study with sufficient information to assess the impact upon surrounding streets and impact upon surrounding neighborhoods.

37.5.4 Affordability Plan: The Affordability Plan shall meet the criteria stated in section 6-30(g) of the Connecticut General Statutes.

37.5.5 Neighborhood Environmental Impact Analysis: The analysis shall include sufficient information and data to analyze the impact of environmental resources, compatibility with neighboring properties and impact on the overall community.

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SECTION 38: ANTI-BLIGHT INITIATIVE

TOWN CLERK'S OFFICE
EAST HAVEN, CONN.
Elizabeth C. Leary
TOWN CLERK

At a Regular Meeting of the East Haven Town Council, held Tuesday, September 8, 2009, the following Ordinance was passed. This Ordinance was introduced at a public hearing on August 4, 2009 and approved by the Mayor on December 15, 2009.

"An Anti-Blight Initiative."

WHEREAS, the Town of East Haven wishes to enact an Anti-Blight Initiative.

NOWTHEREFORE, be it ordained, that the Town Council of the Town of East Haven hereby enacts the above Anti-Blight Ordinance.

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

**Ordinance in its entirety attached.

Approved By:

April Capone Almon
April Capone Almon, Mayor

December 15, 2009
Date

Received By:

Elizabeth C. Leary
Elizabeth Leary, Town Clerk

DEC 31 2009
Date

Submitted By:

12/31/09
Erica Berg, Council Clerk

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ARTICLE IV
Townwide Requirements

SECTION 41: PERFORMANCE & PROPERTY MAINTENANCE STANDARDS

41.1 GENERAL: Within the Town of East Haven, the use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance and maintenance standards herein after specified.

The performance and maintenance standards establish certain nuisance factors which, if committed or allowed to exist, will be detrimental to the public health, safety and welfare, will be contrary to a comprehensive plan of zoning and/or be offensive to the sight of the general public; and/or will depreciate the value of the property or the property of others

In order to achieve compliance to the performance and maintenance standards of this section, the Zoning Inspector and/or his/her agent is authorized to make surveys, take measurements and perform inspections; and order the remedy or abatement to violations of this section.

The performance and maintenance standards, hereinafter specified shall be of continuing application.

41.2 PURPOSE and INTENT: The purpose of this section is to establish certain standards for the development and/or redevelopment on private, single and multi-unit residential, commercial and industrial property and for the continued maintenance and nuisance abatement on said property and its exterior grounds and visible facades, accessory structures and uses once the development is completed.

To the extent said enactment represents an Amendment to already existing Article IV, Section 41 of the Ordinances of the Town of East Haven, said enactment is more particularly designed to address the prevention and ongoing abatements of blight in the Town of East Haven as well as quality of life issues.

East Haven is a growing populace that is encountering its share of quality of life issues. The present legislation seeks to address these issues within a number of ways – with enhanced definitions of blight, and stepped-up enforcement from front-line Departments who are in a position to observe violations first hand and issue Citations that are designed to insure compliance. Barring the same, the violator has the ability to seek an appeal. At the same time, the Town's legislative initiative also affords those who are elderly or disabled and who are living on a fixed income with the ability to seek help from their local legislators and neighbors who can evaluate their individual circumstances, and assist in teaming them with the appropriate Town or private agency.

41.3 DEFINITIONS: For the purpose of this section, the following words, terms and phrases and their derivations shall have the meaning given herein. The word *shall* is always mandatory and not merely directory. The word *may* is always discretionary.

41.3.1 Abandoned: any property and structures or buildings thereon which has not been legally occupied for thirty (30) days or longer.

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41.3.2 **Agent:** any person, firm, agency, corporation, company, limited company, partnership or limited partnership; either jointly or severally, who acts, manages or performs a service on the part of an owner[s]

41.3.3 **Blight Enforcement Officer:** shall mean the Town's Building and Zoning, or Code Officials, Director of East Shore Health District, the Fire Marshall, the Public Work's Director, or his designee, the Assessor, or any sworn Member of the East Haven Police Department, the Superintendent of the Department of Public Services, or his designee.

41.3.4 **Blighted property and/or premises:** any vacant land or structure or part thereof that is a separate unit on which at least one [1] or more of the following conditions exist:

41.3.4.1 Where it is determined by the Town's Blight Officer, Building or Code Officials, or the Director of East Shore Health or the Fire Marshall or any Police Officer of the Town of East Haven that conditions exist that pose a serious or immediate danger to the safety, health and general welfare of the Community, or is unsafe; or a potential fire hazard.

41.3.4.2 The property, and/or building, and/or structure[s] thereon is [are] not being diligently maintained.

41.3.4.3 Is becoming dilapidated, and open to the elements, has collapsing or missing walls, roofs, windows, doors, or is unable to provide shelter, or serve the purpose for which it was constructed due to damage, dilapidation, decay or sever animal infestation; the property in the public view is chronically neglected or abandoned as further documented in the records of the Town's Building or Zoning Department, or in the records of the Director of Health of the Fire Marshall. Dilapidation shall also include any such property or premises that contains materials which are incapable of performing the function for which they are designed, including, but not limited to abandoned, discarded, or unused objects, equipment such as automobiles, boats and recreation vehicles which are unregistered and/or missing parts, not complete in appearance and in an obvious state of disrepair, parts or automobiles, furniture, appliances, cans, boxes, scrap metal, tiles, batteries, containers and garbage that are in public view.

41.3.4.4 Is attracting illegal activity, as documented in the records of the Department of Police Services, and/or the State of Connecticut Department of Consumer Protection, Liquor Control Commission.

41.3.4.5 Is a factor in creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building; or of other premises within the neighborhood, as documented by neighbor complaints to the Town, its officers, agents and/or employees, or the cancellation of insurances on proximate properties.

41.3.4.6 Is the location of the slaughter of live animals and/or the exhibition or dead animals in public view.

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41.3.5 Boarding House: The letting of rooms and/or the furnishing of board in a dwelling unit, to a total of not more than three (3) unrelated persons, and with the following conditions:

41.3.5.1 The property owner letting the room and/or furnishing board shall reside in the dwelling unit; and

41.3.5.2 The establishment of any rooming/boarding house in any zone shall be by Special Exception.

41.3.5.3 When rooms are let, the dwelling unit shall contain a minimum floor area of 200 square feet of living space times the number of persons residing in the dwelling unit.

41.3.5.4 The letting of rooms not include the provisions of cooking facilities for such rooms; but may include the sharing of the cooking facilities of the dwelling.

41.3.5.5 No accessory building or a part thereof shall be used for, or as part of the letting of room of the furnishing of board.

41.3.5.6 A yearly certificate of compliance requiring review or inspection from the local zoning, fire marshal, building official and health organization to insure public health, safety and welfare are afforded. The fee for said Certificate of Compliance shall be $250.00 per year.

41.3.5.7 Failure to obtain and/or renew the aforesaid Certificate of Compliance within 30 days of the expiration date will result in the automatic revocation of said Special Exception.

41.3.5.8 Any/all pre-existing rooming/boarding house in operation on the effective date of this text change [2-15-91] shall not be exempt from subsections E and F of the Regulation. And pre-existing and/or existing rooming/boarding house that suspends said se for a period of one year shall be required to re-apply for a Special Exception.

41.3.6 Caretaker: Means any individual who has agreed to be responsible for performing maintenance and upkeep of real property, whether compensated or not.

41.3.7 Commercial: pertaining, related or connected to trade and traffic or to the exchange or sale of goods, productions or property or any kind.

41.3.8 Composting materials: means yard trimmings, leaves, vegetables or other organic wastes, which when properly stored, will undergo a natural transformation into "compost"

41.3.9 Days: Means consecutive calendar days.

41.3.10 Dilapidated: a building or structure, or part thereof that would not qualify to receive a "certificate of use and occupancy" if one were to be applied for.

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41.3.11 Due diligence: a conscientious effort or attempt by a reasonable person

41.3.12 Exterior property or grounds: means any area of a lot or site not covered by a building or a structure and excluding any open porch or deck areas.

41.3.13 Exterior lighting: means sources of artificial illumination, along with the fixtures, poles and necessary wiring.

41.3.14 Façade: means the principle face, and/or side of a building that is visible to the general public; extending from ground level to the highest visible point of the roof or any attachment thereto.

41.3.15 Foreclosing or Foreclosure Process: Means the legal process of mortgage foreclosure initiated by an entity holding a security against the property for an unpaid debt, by which the entity is proposing to take the property in lieu of the debt due to borrower by default ('strict foreclosure"), or the entity is proposing a sale of the property to pay the debt due to borrower by default ("Foreclosure by Sale"). Note: The foreclosure of judgments liens, tax liens and condominium liens in not included within the scope of this ordinance.

41.3.16 Foreclosing Entity: Means the creditor (including service companies and lenders), who files the action in Superior Court as Plaintiff and has the right to foreclose real property in lieu of unpaid mortgage debt.

41.3.17 Garbage: means food wastes, food wrappers, containers, cans, bottles or any other material that results or remains from the use, consumption and preparation of food or drink as well as any other expended, used or discarded materials such as paper, plastic, cardboard, metal, rags, glass or any other wastes generated from day-to-day activities of a household, business or industry; but shall not include properly prepared and stored recyclable materials or properly maintained compost areas.

41.3.18 Industrial: pertaining to, or related to the production, assembly, storage, shipping of any material or product or component as a means of livelihood or for profit.

41.3.19 Initiation of the Foreclosure Process: Means filing of Lis Pendens on the real property.

41.3.20 Landscaping: means the approved, decorative, ornamental plantings comprised of grass, trees, shrubs, bushes, flowers and other plantings along with mulch, decorative stones, pools, ponds, bird baths and/or ornamental sculptures or ornamental or privacy fencing.

41.3.21 Lot: any land area, devoid of buildings or structures within the confines of the front, rear and side property lines.

41.3.22 Non-occupant Owner: Means every person, entity, or company, who alone or severally with others, for any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant of otherwise, including a mobile home park, has become the Owner by way of purchasing at a foreclosure sale (Committee Deed), or is a Foreclosing Entity who has become the Property Owner by way od strict foreclosure.

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41.3.23 Notwithstanding: in spite of

41.3.24 Owner: one or more persons, corporation, limited liability company, partnership; jointly or severally, in whom is vested:

41.3.17.1 All or part of the legal title to property, or

41.3.17.2 All or part of the beneficial ownership and a right to the present use and enjoyment of the premises and accompanying land; and includes a mortgagee in possession.

41.3.25 Pavement: means concrete, and/or bituminous asphalt surfaces along with curbing, ramps and required pavement markings.

41.3.26 Person: is any individual, company, public or private corporation, partnership, management agent, societies or association or any employee or member thereof who owns, possesses, controls, leases or manages a parcel of real estate within the Town. The singular term and the related pronoun shall include the plural, the masculine and feminine.

41.3.27 Private Property or Premises: is any land, dwelling, house, building or other structure designed or used either wholly or in part for private residential, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant; and shall include any yard, grounds, walks, driveway, parking lot, fire zone, buffer area, porch, steps, vestibule, free standing signage belonging to or appurtenant to such dwelling, house, building or structure.

41.3.28 Property Management Company: Means any business retained to care or maintain real property.

41.3.29 Property Owner: Means any person or entity which holds title to a Property

41.3.30 Public Place: is any, all streets, sidewalks, boulevards, alleys or other public ways and any/all public parks, squares, grounds and buildings.

41.3.31 Public View: means all areas of any property that are visible by pedestrian, vehicular traffic in the public right-of-way, and/or visible from private property designed for use by the general public or from an adjoining property

41.3.32 Residential: pertaining to one's residence, place of abode and/or dwelling.

41.3.33 Securing: Means measures that assist in making the property inaccessible to unauthorized persons.

41.3.34 Shall: denotes something that is mandatory, not discretionary

41.3.35 Signs: is any exterior display of a message, name, advertisement, directional indicator and/or instructional indicator that may or may not be illuminated; but, for the purpose of this section, shall not mean any type of pavement markings.

41.3.36 Sidewalk Area: means the area located between a property line and a curb line of a street or highway.

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41.3.37 Solid Waste: shall mean materials or substances that are discarded or rejected or worthless. This includes, but is not limited to: garbage, refuse, industrial or commercial waste, rubbish, tires, ashes, construction and demolition debris, inoperable motor vehicles or parts, discarded household and commercial appliances, shopping carts, discarded furniture or commercial displays, unstacked wood or tree cuttings, shipping skids and pallets, and bagged or loose grass and lawn clippings, leaves, weeds and other composting materials not intended to be composted.

An object or item [above] shall be presumed to be solid waste when it appears to be discarded, rejected, improperly stacked or stored and/or placed or left on the grounds or exterior of the property in the view of neighbors or passersby or general public under circumstances which meet one or more of the following criteria:

41.3.37.1 The object[s] produces an offensive smell

41.3.37.2 The object[s] is of a type designed for interior use, or is made of materials suitable only for interior use, yet is left outside and is exposed to the elements.

41.3.37.3 The object[s] has obviously been discarded

41.3.37.4 The object[s] has reached a degree of dilapidation or disrepair that can reasonably be presumed to render said object incapable of being used or its original or other reasonable purpose.

41.3.37.5 The object, despite its condition, is left, placed or stored in such a manner which appears likely to cause bodily injury or injury to the property of another.

41.3.38 Standing Order: Means a sign issued by and through the East Haven Police Department that is signed by the owner which allows the police to take notice and arrest any trespassers.

41.3.39 Unit: any space within a building that is, or can be rented to a single entity for his/hers/its sole use; and is intended to be a single and distinct space or area

41.3.40 Vacant: not inhabited or in use

41.3.41 Vacant parcel: a parcel of land with no buildings or structures thereon

41.3.42 Yard: means an open, unoccupied space on a lot

41.3.43 Yard, Front: means the open, unoccupied space from the street line to the front of a building

41.3.44 Yard, Rear: means the open, unoccupied space from the rear of the main structure, back to the rear property line

41.3.45 Yard, Side: means the open, unoccupied space extending from a side property line, inward toward the middle of said lot.

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41.4 DUST, DIRT, FLY ASH, and SMOKE: On any lot, in any zone; either during a phase of development, or anytime thereafter; no dust, dirt, fly ash or smoke shall be omitted into the air so as to endanger the public safety; or the value and enjoyment of other property; or to constitute a source of pollution.

41.5 NOISE: With the exception of time signals and noise necessarily involved in the licensed and permitted construction or demolition or necessary blasting; no noise which is objectionable due to volume, intermittence, beat, frequency or shrillness shall be transmitted outside the lot where it originates.

41.6 VIBRATION: With the exception of vibration necessarily associated with the legal, permitted construction, demolition or blasting; no vibration shall be transmitted outside the lot on which it originates.

41.7 ODORS: No offensive odors shall be emitted into the air from any lot, structure, residence, business, commercial or industrial waste receptacle, commercial, industrial or residential food & garbage receptacle, commercial or residential animal waste chamber or receptacle as to impair the value and enjoyment on any other lot, or on the same lot as the source of the odor if said lot is open to, legally assessable, or provides a service or product to the general public or a segment thereof.

41.8 GASES and FUMES: No noxious, toxic or corrosive fumes or gasses shall be omitted into the air from any lot so as to endanger the public health and safety or to impair safety on; or the value of, and/or the enjoyment of any other lot or the general public.

41.9 LIGHTING, GLARE and HEAT: No offensive or disruptive glare from any lighting source[s] shall be permitted so as to endanger the public health and safety; nor shall it be transmitted into any Residence District so as to impair the value of, or the peace, tranquility or enjoyment of any lot therein. No radiant heat shall be perceptible outside any lot from where it originates.

41.9.1 On all apartment buildings, commercial and industrial sites the owner[s] and/or his duly authorized agent shall be responsible for providing adequate lighting, timely maintenance and repair to the sites lighting fixtures, bulbs, wiring and mounting poles.

In the event that any commercial or industrial site lighting, or any component thereof is, for any reason, damaged or is in any way malfunctioning; and becomes a nuisance or a detriment to the public health and safety the site owner and/or agent, upon notification, and with due diligence, promptly repair and or replace said fixture, bulb, wiring and/or support pole.

41.10 DANGER: No material which is dangerous due to explosion, extreme fire hazard or radioactivity, or by its existence, or improper accessibility, creates a nuisance with regard to the safety of the general public, children, trespassers or household pets; or that, by its existence may attract insects or rodent and/or other animal pests that, when confronted may be dangerous; shall be used, stored, manufactured, processed or assembled, except in accordance with the codes and regulations of the Town of East Haven, State of Connecticut and Federal Government on any lot or in any building or structure.

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41.11 WASTE, GARBAGE and ORGANIC MATERIALS: That all grounds and exterior property on any lot or site shall be kept clean and free of any/all forms of waste as described below; and *"out of sight"* of the general public, patron of the site, and any abutting property owner. Notwithstanding any listed exception; and, for the purpose of this section and the enforcement thereof, no form of waste, garbage and/or organic material shall be placed, thrown, discarded, or blown pushed or shoveled into any area along a public right-of-way or onto any public property. Trash receptacles and recycling bins shall be placed by the curb no earlier than twelve (12) hours before scheduled pick-up and shall be retrieved no later than twelve (12) hours after pick-up.

41.11.1 Solid waste, as is defined in this section; and notwithstanding any listed exceptions.

41.11.2 Garbage, as is defined in this section; except when it is completely contained in a nonabsorbent, water-tight and varmint resistant container having a tight fitting lid; and notwithstanding any listed exceptions.

41.11.3 Exposed, visible piles of accumulated grass clippings, uprooted weeds or other vegetation and/or fallen leaves; and notwithstanding any listed exceptions.

41.11.3.1 Authorized exceptions: Notwithstanding the above; solid waste, consisting of construction and demolition debris related to an ongoing construction and/or renovation project; having valid permits, may be stored within a dumpster, on private property within the public view for not more than 65 days; however, during such period, any dumpster filled to capacity must be emptied in a timely manner….or

41.11.3.2 Acceptable and properly packaged solid waste materials legally placed at the curbside within the proper timing constraints of a Town sponsored, "bulk" trash pick-up….or

Acceptable and properly packaged solid waste and garbage and/or a combination thereof that qualifies for weekly collection by the Town and/or it's agent, placed at curbside, as long as any/all containers are placed at curbside no more than 12 hours prior to; and removed to a location outside the view of neighbors and the general public no more than 12 hours after the pick-up.

Solid waste and/or garbage or a combination thereof stored on a commercial or industrial site in an authorized, covered dumpster that is screened from public view by a gated enclosure.

41.11.3.3 Composting materials.

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41.12 SIDEWALKS and WALKWAYS: In addition to the provisions of Section 17-41 of the Town of East Haven's Codes and Ordinances [entitled "sidewalks"]; it shall be the responsibility of the property/site owner, tenant, occupant and/or managing agent having public sidewalks that abut their property or, on commercial and industrial sites; walkways open to, and serving the general public within the confines of the site to exhibit due diligence in keeping said sidewalks and walkways free of ice, snow, running water, litter, garbage and other obstructions such as store carriages, signs, display racks, items for sale or any other item and/or article that, when situated or located on a sidewalk or walkway would interfere, inhibit, obstruct or in any way alter normal pedestrian or customer foot traffic and/or result in the creation of a nuisance. Shoveling and/or sweeping snow/ice into the municipal roadway after it has already been cleared by the Town is prohibited..

41.13 RADIO INTERFERENCE: The use shall conform to the regulations of the Federal Communications Commission with regard to electromagnetic radiation and interference.

41.14 DRIVEWAYS, PARKING AREAS, and PARKING LOTS: That, in addition to the provisions of Section 42, entitled "Off Street Parking and Loading" the following additional provisions shall apply:

41.14.1: Residential Units: That driveways and/or parking areas servicing any single or two family dwelling unit[s] shall be created in sufficient size as to accommodate the vehicles associated with said dwelling[s] and so as to minimize on street parking.

41.14.1.1 That, there shall be no parking or storage of any registered or unregistered motor vehicle, trailer, recreational vehicle or boat within the area commonly known as the *"front yard"* except within the confines of said driveway or parking area.

41.14.2: Multi-family; commercial & industrial: That, any driveway, parking area or parking lot servicing any privately owned, leased or rented residential structure[s] of 3 or more units; or any commercially or industrially oriented site that, in any way, is designed or intended to accommodate a segment of the general public; or is utilized in any way by anyone who is not the owner, his agent, tenant or employee shall be kept and maintained in such a manner as to be free of obstructions, holes, broken and/or loose pavement or curbing; snow, ice, water, mud, or litter.

41.14.2.1 That, in any driveway, parking area or parking lot under this section; there shall be no storage or accumulation of improperly stored solid and/or organic wastes; garbage; unregistered motor vehicles; or the unauthorized storage of retail inventory, goods, free standing signs, displays, tents, equipment, storage bins or non-road worthy trailers used primarily for storage.

41.15 LAWNS and LANDSCAPING: That, within the Town of East Haven, all outside areas of lots shall be constructed, kept and maintained in such a manner as to not devaluate the property or the property of others; and in such condition as to not become a concern as to the public health and safety or a general nuisance or source of annoyance.

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41.15.1 Residential Units: On any lot containing a single or two family dwelling unit[s]; all lawns, flowers, shrubs, trees or gardens shall be maintained and kept free of any debris, material or condition which may create a health, safety or fire hazard; or which creates a blighting or deteriorating influence on the neighborhood.

41.15.1.1 Property Nuisances, prohibited: That, for the purpose of this section; *ragweed, poison ivy, poison sumac, poison oak and similar plants; grass, weeds and undergrowth* higher than 12 inches from the ground; and *bushes and trees* obstructing a walkway, driveway or street are considered to be *public and general nuisances* and are prohibited.

41.15.2 Vacant Properties: On any vacant lot within the Town of East Haven; either improved or unimproved shall be maintained by the owner in such as manner as to be free of: *ragweed, poison ivy/oak/sumac; grass, weeds and undergrowth* in excess of 12 inches in height; *trash, rubbish, solid or organic waste, garbage, brush* or other *discarded items* having little or no value.

41.15.3 Residential, Multi-Unit Residential, Commercial and Industrial: On any Multi-unit Residential, Commercial or Industrial site, the site's ownership or his duly authorized agent shall provide due diligence to the care, maintenance, nourishment, weeding, pruning and plant bed coverings and, when necessary, provide for the replacement for trees, bushes, hues, shrubs, hedges, plants, flowers, grass areas, ornamental sculptures, mulch or decorative stone as well as ornamental or privacy fencing, signage or patios.

That, in the event any landscaping feature, either living, decorative and/or structural falls into disrepair, dies or is damaged beyond repair; or becomes a nuisance or detriment to public health and/or safety; said property owner and/or his agent shall, after proper notification, and with due diligence appropriately repair or replace the subject item or organism identified in the notice. That, upon notification, any failure to take the appropriate abatement action specified shall be considered a violation of this section and subject to the appropriate penalties.

41.15.4 Fences shall be constructed/erected with the finished or good side facing the outside of the property. Fences which are already constructed/erected on the effective date of this Ordinance are exempt from this prohibition.

41.16 BLIGHTED LOTS, BUILDINGS and STRUCTURES: Any lot, building or structure, either vacant or occupied, which is by the definitions of this Section, deemed to be "blighted", or by it's condition, lack of attention or diligence, or maintenance; or that has a devaluing effect on the property of another, or is deemed to be a General Nuisance, and, as such is a Violation of this Section, and subject to any penalties imposed or available under these Regulations.

41.17 ENFORCEMENT BY CITATION: The Blight Enforcement Officer is empowered to issue Citations for any violation of this Ordinance by leaving a copy of such Citation form with the owner of the property or by affixing same to the premises. He shall also send a copy of the form by certified mail, return receipt requested to the owner of the property.

41.17.1 The Citation shall contain the following information:

41.17.1.1 The address of the affected property;

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41.17.1.2 The exact nature of the violation;

41.17.1.3 The time allowed for corrective action (not to exceed 30 days). Repeat offenders shall be given 15 days to comply;

41.17.1.4 The penalty for continued violation of this ordinance;

41.17.1.5 The availability of a Hearing procedure before the Blight Appeals Committee pursuant to Conn. Gen. Stat. Section 7- 152c;

41.17.1.6 The penalty for violation of this ordinance shall be $100.00 for each day that a violation continues. Payment of any such fine shall be earmarked for additional anti-blight initiatives within the Town, i.e., tree and flower planting, benches, sidewalk maintenance, etc;

41.17.1.7 That if he/she does not demand such a Hearing in accordance with this Section, he/she shall be deemed to have admitted liability;

41.17.1.8 That the Town shall file a lien against the property in accordance with Conn. Gen. Stat. Section 7-148a(a) as amended for the amount of any unpaid anti-blight fines imposed;

41.17.1.9 That said lien shall be enforced in the same manner as property tax liens.

In addition to the Citation process described herein, the Blight Enforcement Officer, as defined in this Section, is authorized to initiate legal proceedings in the Superior Court for the immediate correction of the violation(s), collection of any penalties, and the recovery of all costs including costs of remedial action(s) authorized by the Court and reasonable attorney's fees incurred by the Town of East Haven to enforce this ordinance. All fines, Court costs of remedial action and attorney's fees, as ordered by the Court, shall constitute a written lien on the subject premises, provided the owner of the said premises has been notified of· the violation(s) as herein provided enforcement proceedings: Notification of the placement of a written lien will be sent fifteen (15) days prior to the placement of a lien in the Town of East Haven Land Records.

41.18 SPECIAL CIRCUMSTANCES: Accommodations may be given to individuals that are disabled. elderly. or low income as defined more particularly below in the Town's effort to correct housing blight. If any individual cannot maintain a reasonable level of upkeep of his owner-occupied residence because the individual is disabled, elderly or low income, and no capable person resides in the residence, the Town may give the person a reasonable amount of time to correct the problem, the duration of which shall be in the discretion of the Community Development Coordinator. If needed, assistance in finding solutions will be offered by the Town as well as the Blight Committee within each District in the Town.

41.18.1 Capable individual: Shall be defined as a person that can be reasonably expected to perform maintenance and yard work around a property or premises. This shall include children above sixteen (16) years of age, without a physical or mental disability as defined herein.

41.18.2 Disabled individual: shall be defined as, in the case of an owner occupied residence, an individual who has a disability meeting the definition for a mental or physical disability as defined under the American with Disabilities Act of 1990,

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and/or an individual receiving SSI or SSDI payments for such reason(s), and who does not have a household member capable of providing the necessary maintenance and who is a low income individual as defined below.

41.18.3 **Elderly individual:** shall mean an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance and who is a low income individual as defined below.

41.18.4 **Low income individual:** shall mean, in the case of an owner occupied residence, an individual, or where more than one person resides in the premises, a family unit, that has an income below the highest level of "qualifying income" established by Conn. Gen. Statute Section 12-170d(a)(3).

41.19 HEARING PROCEDURE FOR CITATIONS:

41.19.1 The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of a Citation Hearing process for alleged violations of this Ordinance.

41.19.2 There shall be Blight Assistance Committee established in each of the five Districts of the Town of East Haven consisting of five (5) residents for each such Committee. One such member shall be the Councilperson for such District. Said Committees shall be appointed by the Mayor and approved by the Town Council. Said members shall serve for three (3) year terms commencing on the effective date of this Ordinance. Each such Committee shall work with the Blight Enforcement Officers in identifying residents within their District in need of a Blight accommodation either individually, with the Town, or through coordination with Town identified community groups, programs and the Town Community Development Coordinator.

41.19.3 There shall be a Blight Appeals Committee consisting of five (5) residents of the Town of East Haven, appointed by the Mayor and approved by the Town Council, who shall act by majority vote as Citation Hearing Officers in all hearings for alleged violations of this Ordinance. Said members shall serve for three (3) year terms commencing on the effective date of this Ordinance.

41.19.4 Any Blight Officer, at any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any Citation issued for an alleged violation of this Ordinance, shall send notice to the person cited. Such notice shall inform the person cited:

41.19.4.1 Of the allegations against him and the amount of the fines, penalties, costs or fees due;

41.19.4.2 That he may contest his liability before the Blight Appeals Committee by delivering in person or by mail written notice within ten days of the date thereof;

41.19.4.3 That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and

41.19.4.4 That such judgment may issue without further notice.

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41.19.5 If the person who is sent notice pursuant to subjection (3) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Town Clerk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and anyone of the Blight Officers, shall certify such person's failure to respond to the Blight Appeals Committee. The Blight Appeals Committee shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Conn. Gen. Statute 7-152(f).

41.19.6 Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days, no more than thirty days from the date of the mailing of the notice, provided the Blight Appeals Committee shall grant upon good cause shown any reasonable request by interested party for postponement or continuance. The procedures and conduct of such hearing, the assessment of fines, penalties, costs or fees and the entry of judgment in Superior Court upon such assessment shall be provided in Conn. Gen. Stat. Section 7- 152c.

41.19.7 Pursuant to Conn. Gen. Stat. Sec. 7-148a(a), any unpaid fine imposed pursuant to the above procedure shall constitute a lien upon the real property against which the lien was imposed from the date of the fine. The lien shall be continued, recorded, released, and enforced as provided for by said statute.

SECTION 41.20

41.20.1 Any person in whom title to a residential property has vested after October 1, 2009, through a foreclosure action pursuant to sections 49-16 to 49-19, inclusive, of the general statutes or section 49-26 of the general statutes, shall register such property with the town clerk of the municipality in which the property is located or with MERS (1) no later than ten days after the date title vests in such person if such residential property is vacant on the date title vests, or (2) if, as a result of an execution of ejectment pursuant to section 49-22 of the general statutes or a summary process action pursuant to chapter 832 of the general statutes, such residential property becomes vacant before the date one hundred twenty days after the date title vests in such person, then no later than ten days after the date on which such property becomes vacant.

If the registration is with the municipality, it shall contain (1) the name, address, telephone number and electronic mail address of the registrant and, if the registrant is a corporation or an individual who resides out-of-state, the name, address, telephone number and electronic mail address of a direct contact in the state; and (2) the name, address, telephone number and electronic mail address of the local property maintenance company responsible for the security and maintenance of the vacant residential property, if such a management company has been engaged by the registrant. The registrant shall indicate on such a registration whether it prefers to be contacted by first class mail or electronic mail and the preferred addresses for such communications. The registrant shall report any change in the information provided on the registration no later than ten days following the date of the change

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of information. At the time of registration, the registrant shall pay a one-hundred-dollar fee to the municipality.

If the registration is with MERS, it shall .contain (1) the name, address, telephone number and electronic mail address of the registrant, and (2) the name, address, telephone number and electronic address of the local property maintenance company responsible for the maintenance of the property, if such a management company has been engaged by the registrant.

If a registrant fails to comply with an provision of the general statutes or of any municipal ordinance concerning the repair or maintenance of real estate, including, without limitation, an ordinance relating to the prevention of housing blight pursuant to subparagraph (H)(xv) of subdivision (7) of subsection (c) of section 7-148 of the general statutes, the maintenance of safe and sanitary , housing as provided in subparagraph (a) of subsection (c) of section 7-148 of the general statutes, or the abatement of nuisances as provided in subparagraph (E) of subdivision (7) of subsection (c) of section 7-148 of the general statutes, the municipality may issue a notice to the registrant citing the conditions on such property that violate such provisions. Such notice shall be sent by either first class or electronic mail, or both, and shall be sent to the address or addresses of the registrant identified on the registration. A copy of such notice shall be sent by first class mail or electronic mail to the property maintenance company if such a company has been identified on the registration. Such notice shall comply with section 7 -148gg of the general statutes.

The notice described in subsection (d) of this section shall provide a date, reasonable under the circumstances, by which the registrant may remedy the condition or conditions on such registrant's property. If the registrant or property management company does not remedy the condition or conditions on such registrant's property before the date following the date specified in such notice, the municipality may enforce its rights under the relevant provisions of the -general statutes or of any municipal ordinance.

A municipality shall only impose registration requirements upon registrants in accordance with this section, except that any municipal registration requirements effective on or before passage of this act shall remain effective.

41.21 **MINIMUM STANDARDS:** Nothing in this ordinance shall limit the power and authority of the Town Building Inspector, the Zoning Enforcement Officer, the Planning and Zoning Commission, the Fire Marshall or the Director of Health, the Assessor, the Police Department, or the Director of the Department of Public Works of his designee, to enforce their respective rules and regulations.

41.21.1 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance, regulation or other code of the Town or State, if such provision of this ordinance establishes a higher standard for the promotion and protection of the health and safety and property values of the people such provision shall be enforceable pursuant to the procedures established herein.

41.21.2 This ordinance shall not be intended to affect violations of any other ordinances, codes or regulations whether existing prior to or subsequent to the effective date of

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this ordinance. Such violations shall be governed by and shall continue to be subject to enforcement under the provisions of such ordinances, codes or regulations in effect at the time the violation occurred, and/or by enforcement of this ordinance, as may be appropriate.

41.22 EFFECTIVE DATE: This Ordinance shall be effective thirty days after its publication in accordance with the East Haven Town Charter.

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SECTION 42: OFF STREET PARKING and LOADING

42.1 **GENERAL:** It is the purpose and intent of this **section** to assure that *parking and loading spaces* are provided off the street, in such **number**, and **location** and with **suitable design** and **construction** to accommodate the motor vehicles of all persons normally using and/or visiting a use, building or other structure at any one time.

Off-street parking and loading spaces required to be provided by this section shall be **permanently maintained** and made available for occupancy in connection with, and for the full duration of the use of land, buildings and other structures for which such spaces are herein required.

If any existing use of land, building or other structure is ever changed to a use that requires additional off-street parking and loading spaces in order to comply with this **section,** the additional spaces *shall be provided* for the new use in accordance with the standards hereinafter specified.

Any use already existing shall conform to these standards to the extent that it conforms at the time of the adoption of these regulations. Any existing use which does not conform to the standards of this **section** *shall not* be changed or altered to a use which would require additional off-street parking and loading spaces to comply with the standards herein unless there is available off-street parking and loading spaces for such new use as required by this by this **section.**

All off-street parking and loading spaces hereafter established, whether required to be provided by this section or not, shall conform to the design and construction standards hereinafter specified as well as to any standards and conditions for approval of a ***site plan or special exception***

42.2 **PARKING SPACE STANDARDS:** Off-street parking standards shall be provided in accordance with the following *minimum standards:*

42.7.1 Parking spaces *must* be located on the same lot as the use it serves unless the Commission approves parking on another lot as part of a **site plan** and/or **special exception** approval

42.7.2 In no instance shall the required parking spaces be located on another lot if said lot is more than 250 feet from the lot requiring the parking spaces

That, the above parking requirements regarding the location of the parking spaces on another lot *shall not* be subject to a **variance** from the ***Zoning Board of Appeals***; however, in instances of a special, temporary event, these requirements may be waived.

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STANDARD PARKING SCHEDULE *(amended 11/5/2014)***:**

USE CLASSIFICATION	MINIMUM SPACES REQUIRED
DWELLING WITH 1 or 2 DWELLING UNITS:	2 ½ spaces per each dwelling unit.
ONE BEDROOM DWELLINGS with MORE THAN 2 DWELLING - UNITS	1~~2~~ ½ spaces per each dwelling unit.
TWO BEDROOM DWELLINGS with MORE THAN 2 DWELLING UNITS	2 ½ spaces per each dwelling unit.
THREE BEDROOM DWELLINGS with MORE THAN 2 DWELLING UNITS	3 ¼ spaces per each dwelling unit
FOUR OR MORE BEDROOM DWELLINGS with MORE THAN 2 DWELLING UNITS	4 spaces per each dwelling unit<,plus an additional ¾ spaces for each bedroom above four bedrooms
PROFESSIONAL or BUSINESS OFFICE in a DWELLING	As per site plan approval or 1 space per each 4~~2~~00 sq. ft. of gross floor
ROOMS to RENT in a DWELLING UNIT	1 space per bedroom or rooming unit.
COMMUNITY RESIDENCE	1 space per bedroom or rooming unit.
CHURCHES, PLACES of WORSHIP, THEATERS, ASSEMBLY HALLS or STADIUM	1 space for each 3 seats or 6 feet of pews or benches.
UNDERTAKERS or FUNERAL HOMES	20 spaces per chapel or viewing room.
MEMBERSHIP CLUBS, LODGES, COMMUNITY CENTERS	1 space for ach 3 occupants, based upon the maximum occupancy as determined by the Fire Marshal.~~2~~
HOSPITALS, CONVALESCENT HOMES, SANITARIUMS, OLD AGE HOMES, REST HOMES	1 space per each 3 beds for patients or guests plus 1 per employee on the largest daily work shift.
CHILD DAY CARE, FAMILY DAY CARE and GROUP DAY HOMES	1 space for each employee plus 1 space for every 6~~4~~ children or adults
RETAIL and SERVICE ESTABLISHMENTS; BANKS and Other FINANCIAL INSTITUTIONS	~~2 spaces per 175~~1 space per 250 sq. feet of gross floor area.
MEDICAL and DENTAL OFFICES	~~2 spaces per 175~~5 spaces per 1,000 sq. feet of gross floor area.
OTHER PROFESSIONAL & BUSINESS OFFICES	1 space per 150 square feet of floor area.
HAIRDRESSING & BARBER SHOP	1 space per ~~employee plus 2 spaces per work station.~~250 sq. ft. of floor area.

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"SPECIAL RETAIL ESTABLISHMENT", including furniture, appliance, specialty lighting, carpet stores and similar low traffic volume uses	1 space per 250 sq. feet of gross floor area used for the display of goods, plus 1 space per 500 sq. ft. of storage, warehousing, shipping & receiving.
RESTAURANT & FOOD SERVICE ESTABLISHMENTS (excluding any patron bar area)	~~2 space per 75 sq. ft. of patron floor area .~~1 space per 2 seats
PATRON BAR and COCKTAIL LOUNGE AREA	1 space per 25 sq. ft. of patron floor area.

MOTOR VEHICLE SERVICE STATIONS, REPAIR GARAGES, CAR WASHING FACILITIES	10, plus 5 spaces per garage bay in excess of 2 bays (5 per bay) ~~plus one space for every vehicle for sale for sale on the property and one space per employee.~~
HOTELS & MOTELS	1.2 space per guest room plus ~~1 space per employee.~~
COMMERCIAL RECRATION INCLUDING, BOWLING ALLEYS	~~5 spaces per alley.~~1 space per each 3 occupants, based upon the maximum occupancy as determined by the Fire Marshal.
~~FLEA MARKET~~	~~1 space per 50 feet of display area, plus 1 space per each employee, plus 1 space per vendor.~~
MANUFACTURING, PROCESSING or ASSEMBLING PLANTS, RESEARCH LABS, ~~CENTRAL OFFICE BUILDINGS~~ WAREHOUSE, WHOLESALE BUSINESSES, CONTRACTOR or LUMBER YARDS, TERMINALS and DISTRIBUTORS	1~~2~~ space per 400 square feet of gross floor area or ~~1 space per each employee on the largest shift, whichever is greater.~~
AUTOMOTIVE RETAIL SALES FACILITY	Number of spaces to be determined by lot size. P&Z Commission will determine number of vehicles that can be parked for sale. ~~1 space per vehicle for sale, plus 1 space per employee is required plus 5 customer spaces~~.
BUSINESS ADMINISTRATIVE OFFICES	1 space per 40 sq. ft.

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OTHER USES NOT COVERED ABOVE	The Commission shall determine the number of required spaces to preserve the intent of this **section**.
HANDICAPPED PARKING	All above parking requirements also must meet State guidelines for Handicapped Paring at their facilities.

42.3 **LOADING SPACE STANDARDS:** Each hospital, hotel, motel, retail store building, undertaker's or funeral home establishments, restaurant, tavern, bar, nightclub, social club, catering facility, furniture or appliance store, warehouse, wholesale business, trucking terminal, contractor's business, lumber yard, research laboratory and any establishment dedicated to the manufacturing, processing, assembling and/or sale of goods, having a ground floor area in excess of 4,000 square feet, shall have one off-street loading space for each 40,000 square feet of "gross floor area" or a fraction thereof, excluding basements, and located on the same lot with the building.

42.4 **CLASSIFICATION of USES:** Whenever two or more classifications of "uses" apply to a site, building or other structures, the standard requiring the larger number of parking spaces shall apply; but where separate parts of a building or structure are used for purposes [uses] requiring a different number of parking spaces, the number of required spaces shall be determined by adding the number of spaces required for each part.

42.5 **JOINT USE of SPACES:** Except where the required parking must be located on the same lot with the building; ***joint parking areas*** and ***loading spaces*** may be established by the owners of separate lots in order to provide the total number of off-street parking and loading spaces required. The applicant shall supply evidence, acceptable to the Commission, as to the permanency of jointly-provided parking spaces.

42.6 **MODIFICATION of STANDARDS:** The Commission may, in connection with the approval of a ***site plan,*** or the granting of a ***special exception*** authorize a lesser number of off-street parking and/or loading spaces by special exception than is specified in **sections 42.2** and **42.3** or authorize such spaces to be located on a lot other than the lot where the use is located, if the Commission determines that one or more of the following standards and conditions are met:

42.7.1 The number of spaces provided on the ***site plan*** are sufficient in number to accommodate the vehicles of all persons using and visiting the particular use, or occupancy of land, buildings or other structures specified in the ***"statement of use"*** or on the application for a ***zoning permit.*** The applicant shall submit an analysis of times and day of peak usage of each individual use which will be utilized in determination of the Commission to permit a reduced number of parking spaces.

42.7.2 The Commission may reduce the required number of parking spaces if a public parking area located within 250' of the proposed use and the public parking lot has sufficient parking available. ~~re is sufficient and suitable reserved area on the lot to provide for the required number of spaces in the future should the need arise, and if~~

~~the Commission requires the additional parking area to be developed.~~

42.7.3 That spaces located on another lot are conveniently accessible to persons normally using or visiting the use, and that traffic congestion and on-street parking and loading will not result from the use of the off-site parking area.

42.7.4 The authorization and approval shall be applicable only to the proposed use or occupancy of the site, buildings and other structures specified in the **statement of use** and/or **zoning permit**. Said approval shall immediately become null and void upon any change in the use or occupancy to another use or occupancy without Commission approval as a ***site plan modification.***

~~42.7.4~~**42.7.5** The Commission finds that the required number of spaces is sufficient based upon an analysis of peak hour demand for parking spaces for the collective proposed uses, or that the proposed use(s) would require fewer parking spaces than required herein due to special sue characteristics.

42.7 DESIGN and CONSTRUCTION STANDARDS: All off-street parking, loading spaces, curbing, landscape islands and wheel stops shall be suitably drained and maintained so as to cause no nuisance or danger to pedestrian traffic, dust, storm water, icing conditions and/or accumulated snow or from storm water flow or drainage onto any public street or adjacent property. The entire parking area, including all parking spaces and maneuvering lanes or aisles shall be surfaced with bituminous concrete or Portland cement concrete in accordance with these Regulations and the specifications approved by the Town Engineer. In all commercial and industrial districts and in any other district mandated by the Commission, curbing shall be constructed of a type of approved concrete cement and/or granite.All off-street parking and loading spaces shall be ***designed*** and ***constructed*** in accordance to the following standards:

47.7~~2~~.1~~2~~ Dimensions:

42.7.1.1 Each ***parking space*** shall constitute an area of such shape as to contain a rectangle of not less than nine [9] feet by twenty [20] feet, with vertical clearance, access and slope as to accommodate one [1] automobile. When the end of such space is adjacent to, and capable of overhanging a ***concrete curbed*** , landscaped area or island, the length of the space may be reduced to eighteen [18] feet by allowing the concrete curb to function as a ***"wheel stop".***

42.7.2 Each loading space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type, size and width that are servicing the lot or the particular use. In no instance, shall a loading space be less than 14 feet in width, 35 feet in length and with a vertical clearance of 15 feet.

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~~Each ***loading space*** shall constitute an area with such shape, vertical clearance, access and slope as to accommodate trucks of the type, size and width that are servicing the lot or the particular use. In no instance, shall a loading space be less than 14 feet in width, 35 feet in length and with a vertical clearance of 15 feet.~~

42.7.3 Access: Each parking space shall be provided with adequate area for aisles and access lanes, so that an automobile having an overall length of 18 feet can approach the space and execute any necessary backing and turning movements without a need to utilize any part of a public street right-of-way; and can exit onto a street in a "front forward" direction. This "front forward" exit requirement shall not apply to parking spaces provided in conjunction with a conventional dwelling containing one or two dwelling units, or an office in a dwelling unit.

42.7.4 No off-street loading space, including any truck loading bay, ramp or dock, shall be designed or arranged in a manner that a truck must use any part of a public street right-of-way in order to back into such loading area and thereby hinder public traffic.

42.7.5 Points of entry or egress driveways onto a public street right-of-way shall be located so as to minimize hazards to pedestrian and vehicular traffic in any street.

42.7.6 Off street parking facilities shall be designed in accordance with the following ***minimum requirements*** except in instances necessary to satisfy the *Connecticut Building Code* for ***handicapped spaces:***

Parking Pattern	***Aisle Width***	***Stall Width***	***Stall Length***	***Total Width*** (One row of stalls + aisles)	***Total Width*** (Two rows of stalls + aisles)
0 degrees (parallel)	12 feet (one-way), 20 feet (two way)	9 feet	23 feet	21 feet (one-way), 29 feet (two way)	30 feet (one-way), 38 feet (two way)
30 to 53 degrees	12 feet (one way)	9 feet	20 feet	32.5 feet	53 feet
54 to 74 degrees	15 feet (one way)	9 feet	20 feet	37 feet	59 feet
75 to 90 degrees	22 feet	9 feet	20 feet	42 feet	62 feet
Note: Aisle width may need to be increased in instances where fire and/or safety apparatus is required to utilize access/maneuvering aisle.					

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42.7.7 IMPROVEMENT: All off-street parking, loading spaces, curbing, landscape islands and wheel stops shall be suitably drained and maintained so as to cause no nuisance or danger to pedestrian traffic, dust, storm water, icing conditions and/or accumulated snow or from storm water flow or drainage onto any public street or adjacent property. The entire parking area, including all parking spaces and maneuvering lanes or aisles shall be surfaced with bituminous concrete or Portland cement concrete in accordance with these Regulations and the specifications approved by the Town Engineer. In all commercial and industrial districts and in any other district mandated by the Commission, curbing shall be constructed of a type of approved concrete cement and/or granite.

42.7.8 LAYOUT: All off-street parking and loading areas shall be provided with spaces of suitable angle, width and length and with access aisles of sufficient width and suitable alignment to such spaces as to allow a *safe and convenient use* of each parking space

42.7.9 A ***"parking bay"*** shall consist of two [2] parallel rows of parking stalls, separated by an aisle for access and maneuvering into said stalls. All proposed uses and any proposed change of use shall provide *sufficient handicapped parking* as is required by the Connecticut State Building Code Provision shall be made for safe and convenient use of all parking spaces, and for the circulation within parking areas in the following manner:

42.7.9.1 by providing *suitable circulation driveways* that give proper access to the parking aisles and the parking spaces therein.

42.7.9.2 by providing *safe pedestrian circulation* within the parking area

42.7.9.3 by providing for channelized traffic flow within the parking area, including provisions for curbed, raised and landscaped linear islands separating any two [2] parking bays from any other parking bay…..and

42.7.9.4 by providing suitable markings, curbs, end islands, fences or other devices that encourage proper and efficient use of each parking space, providing that not more than 15 parking spaces shall be permitted in any continuous row without being interrupted by a curbed, raised and landscaped island having a minimum width of seven [7] feet.

42.7.9.5 No loading space shall be arranged in such a manner as to **obstruct** and/or **interfere** with the use of any required parking spaces or traffic circulation lane within the parking area.

42.7.9.6 No area of a parking lot with six or more spaces shall be located within six feet of the public right-of-way. The strip of land between the parking lot and public right-of-way shall be suitably landscaped with grass and at least one shrub with a minimum height of 24' planted at least once every five feet. Such area shall be properly maintained by the property owner.

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42.8 DRIVEWAYS:

42.8.1 INDUSTRIAL, COMMERCIAL, MULTI-FAMILY, RESIDENTIAL, AND OTHER NON-RESIDENTIAL USES: There shall be no more than one~~two~~ [1~~2~~] driveways entering any lot with 250' of frontage on any one ~~from any one~~ street, except that there may be one [1] additional driveway for each additional 250 feet of lot frontage in excess of 250'~~300~~ feet. Separate one-way driveways for entrance and exit shall count as one driveway. Driveways designed to accommodate one-way traffic shall not be less than 16 feet in width and not less than 26 feet in width if designed for two way traffic, and all width measurements shall be taken at the street line. Where the driveway pavement intersects with the street pavement, it shall be provided with a minimum inside radius of 16 feet unless a larger radius is required by the Town, it's Engineer or the State. Driveways shall not exceed 30 feet in width at the street line unless a greater width is required by Town Ordinance or by the State of Connecticut.

47.8.2 ONEAND TWO-FAMILY RESIDENTIAL USES: No more than one driveway shall be permitted for each lot, with a maximum width of 20 feet. All driveways shall be paver or use a suitable pervious service which is designed to avoid mud and rapid deterioration. No parking shall be permitted on any unpaved surface such as lawns.

~~**427.1 LOCATION, Loading Spaces:** No off-street loading spaces or their access aisles shall be located in the area required for setback from a street line or a Residence District boundary line; or within 10 feet of any side line.~~

~~**LANDSCAPING:** Except for parking spaces provided in connection with one, two and three family dwelling units and except for permitted driveway entrances, parking spaces and sidewalks, the area required for setback from a street or side property line shall be suitably landscaped with trees and/or shrubs, lawn, washed decorative gravel, decorative mulch or other appropriate ground cover. When parking spaces and/or access drives are located within 20 feet of a street line, said areas shall be separated from such street line by appropriate landscaping and/or berming in such a manner as to soften the visual impact of said areas.~~

~~**42.8**~~**42.9 WAIVER OF IMMEDIATE INSTALLATION of MINIMUM PARING SPACES:** With respect to the installation of the ***minimum number of parking spaces*** required by this **section,** the Commission may consider a written request from the applicant or property owner to waive the immediate installation of not more than ***twenty five percent*** of the required number of parking spaces under the following conditions:

42.9~~8~~.1 The submitted parking plan shall show the layout for the ***full parking requirement*** and clearly identify those spaces for which the waiver of immediate installation is being requested.

42.9.2 That the Commission find the reduced number of parking spaces proposed to

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be installed will adequately serve the proposed development.

42.9~~8~~.3 That the property owner file with the Commission, and make note on the parking plan, an **agreement** obligating the property owner, his heirs or successors and assigns to install such remaining parking spaces within three [3] months after any order by said Commission to do so; …and…

42.9.4 ~~8.3~~ That the agreement herein agreed to be incorporated by reference as a covenant in any **Special Exception permit,** the parking for which is affected by this subparagraph, and shall be so recited in the document evidencing such **Special Exception permit** recorded on the land records.

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SECTION 43: SIGNS

43.1 PURPOSE: It is the purpose of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community. The intent of this section is to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extensions of signs, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community.

***43.2* GENERAL REQUIREMENTS:** the following requirements are applicable to *all signs* throughout the Town of East Haven:

43.2.1 Permits: No sign, except as provided herein, shall be constructed, erected, moved, or structurally altered, or otherwise changed unless an application for a zoning permit has been approved by the Zoning Enforcement Officer. A new name on a sign shall be deemed to be a change. Normal maintenance shall not be a change.

43.2.2 Applications: All applications for a sign permit shall be accompanied by a *plot plan* showing the location of the sign, and by a *drawing* or sketch, drawn to scale, with dimensions showing the height, design, materials, colors and illumination of the proposed sign; and by a building elevation or sketch showing pertinent building dimensions.

43.2.3 Illumination: all illuminated sign or lighting devices shall employ only lights emitting a light on constant intensity and shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the subject sign and away from adjoining premises. Self-illuminated signs shall be such that all direct light sources are completely covered.

43.2.4 Maintenance: All signs, together with their supports, braces, guys and anchors shall be kept in good repair and safe condition. The exterior of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair so as to present a neat and orderly appearance. All loose and/or missing letters, figures, characters or representations on any sign shall constitute a *maintenance violation* and must be corrected or removed within five [5] days of due notice from the Zoning Office. Permitted temporary signs in a torn or damaged condition must be removed by the owner within five [5] days after due notice from the Zoning Office. Any sign found to be unsafe shall be removed immediately upon receipt of notice by the Zoning and or Building Departments.

Signs which indicate the time of day or the temperature must indicate the correct information to public view. The property owner and/or lessee of the premises on which a sign is erected or maintained shall be directly responsible for keeping such sign and premises in a safe, neat and orderly condition.

43.2.5 Non-Conforming Signs: Currently existing signs of a size or type not permitted in the district in which they are situated, or which are located or illuminated contrary to these regulations, or which do not conform to all provisions of these regulations, will be considered *"non-conforming structures"* under this section. No non-conforming sign shall be altered or changed unless such sign is made to conform with these Regulations. A change shall not include a change in name; but any other change of such signs, including providing

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power or illumination, or increase in size shall be deemed to be an enlargement or an extension producing an increase in non- conformity. Any sign described above shall not be relocated to any other location on the premises unless such relocation results in reducing or eliminating the degree of non-conformity.

43.2.6 Measurement of Area: the area of a sign shall include all exposed faces of a sign, measured as follows:

43.2.6.1 when such a sign is on a plate or framed, or outlined, all of the area of such plate or area enclosed by such frame or outline shall be included as part of the sign.

43.2.6.2 when such sign is comprised of only letters, designs or figures affixed on a wall, the entire face of said wall, being of uniform material, color and texture, the total area of such sign shall be considered to be the area of the smallest geometric shape such as a rectangle, square or triangle or circle which encloses all letters, symbols, or designs which constitute such a sign.

43.3 SIGN PROHIBITIONS: The sign prohibitions set forth in this section shall apply to *all signs* and all districts [zones] within the Town of East Haven, regardless of such designation:

43.3.1 All signs and other advertising devices shall be prohibited except those that advertise, identify or give publicity or notice only with respect to a *use of land, buildings or other structures on the property on which such sign is located.*

43.3.2 No sign shall project or be located beyond any *property or street line.* The Zoning Enforcement Officer and/or his/her designated agent may cause to be *removed* any sign that is erected or placed within the public right-of-way on any street and/or sidewalk; and the owner of any such sign so removed shall pay to the Town of East Haven the actual costs associated with said removal plus a storage charge of $ 25.00 per day. Any such signed that has been removed for such a violation that is not claimed within ten [10] days after removal automatically becomes the property of the Town of East Haven and/or may be destroyed without notification.

43.3.3 No hanging sign, or part thereof, shall extend over any portion of the traveled path of any sidewalk, driveway or accessway.

43.3.4 No sign shall extend above the lowest point of the main roof line of any building. No sign shall be permitted on any roof of any building.

43.3.5 No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signals or signs or visibility of any motorist and/or pedestrian by virtue of its location, its color or its size. No artificial light or reflecting device shall be used, located, or displayed where such light distracts the attention of users of a street and competes for attention with, or may be mistaken for a traffic control or directional signal or sign.

43.3.6 No sign shall obstruct access to or from any door, exit, window or fire escape, or to cause any other hazard to the public health or safety.

43.3.7 No sign shall be animated or flashing, except for a *"time-temperature"* device employed as part of an otherwise non-flashing, non-animated display.

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43.3.8 ~~Except for flags,~~ N~~n~~o sign or banner shall be permitted, which is in motion by any means, including swing, fluttering or rotating; or signs such as banners strung in a series that are set in motion by the movement of the atmosphere or elements. The area of any flag except a national, state or town flag shall be computed as signage and shall require permits in accordance with section 43.2.1 of these Regulations.

43.3.9 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall, except for individual raised and mounted lettering. All other painted or posted signs hall be on a plate or backing made of a durable material such as metal, plastic, wood or plywood which is then affixed to the wall.

43.3.10 No signs shall be mounted or posted on any tree or utility pole.

43.3.11 Free standing, portable signs; such as *"sandwich signs"* are prohibited.

43.3.12 The stringing of lights is prohibited, except during the Christmas season, extending from November 15th to January 16th.

43.4 SIGNS PERMITTED IN ALL DISTRICTS:

43.4.1 The following signs are permitted in all districts [zones], except as may be indicated otherwise herein, and *do not* require a zoning permit; and may extend to a street or a property line:

43.4.1.1 Official government or municipal notices and governmental signs to control traffic of for other regulatory purposes, or to identify streets or to warn of potential danger.

43.4.1.2 Signs of public service companies to warn of danger

43.4.1.3 Private signs, with no advertising thereon, that warn of danger, prohibit trespassing or direct traffic on the lot. Such signs shall not exceed a total of two [2] square feet each.

43.4.1.4 In commercial or industrial districts, signs that are affixed to the interior of a window or door announcing sales or special features are permitted; provided that they don't not exceed 50 percent of the area of said window or door, and provided they are in place for not more than 30 days.

43.4.1.5 On a *residential* lot where the premises are for sale or for rent, one real estate sign not exceeding six [6] square feet, and not referring to any other premises.

43.4.1.6 On a *commercial, or industrial* lot or on an approved residential subdivision plat that are for sale or rent, two [2] real estate signs, not exceeding twenty [20] square feet in area, and not referring to any other premises.

43.4.1.7 Temporary signs for public, political and charitable purposes, provided they are erected not more than 60 days before the publicized event; and are removed within ten [10] days after the publicized event.

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43.4.2 The following signs are *permitted* in all districts [zones], subject to the requirements of section 43.2 and said signs *shall not* extend within less than ten [10] feet of any street or property line:

43.4.2.1 Building, roofing and siding contractors, designers signs pertaining to a building under construction or remodeling on the same lot where said signs are located, provided that the total area of such signs shall not exceed 24 square feet; and that such signs are removed within 30 days of the completion of the project.

43.4.2.2 On any lot containing a cemetery, uses and facilities of the Town of East Haven, State of Connecticut or the Federal Government, one sign not exceeding 16 square feet in area.

43.4.2.3 On any lot containing a church or place of worship or educational institution; one sign, constituting a bulletin board and not exceeding an area of 16 square feet.

43.5 SIGNS PERMITTED in COMMERCIAL and INDUSTRIAL DISTRICTS: The following signs are permitted in all Commercial and Industrial zones, subject to section 43.2 and the following additional standards and conditions:

43.5.1 Free Standing Signs: On any lot, one [1] free standing, pole or ground sign is permitted for each street where the lot has at least 50 feet of frontage; and may extend to within ten [10] feet of a street or property line and shall comply with the following requirements:

43.5.1.1 said sign shall be a "free standing", self-supporting ground structure; not attached to a building.

43.5.1.2 said "free standing" sign shall identify the name of the business[es] occupying the lot and shall include the street address number, at least four [4] inches in size.

43.5.1.3 no "free-standing" sign shall exceed a height of twenty [20] feet as measured from the ground to the top of the sign in any Commercial or Industrial district [zone] or eight [8] feet in any Residential district [zone]; or 12 feet in any Shoreline Development district [zone]

43.5.1.4 each "free-standing" sign shall be of a size and shape approved by the Commission; but not to exceed 120 square feet or 12 feet in any dimension in any Commercial or Industrial district; or 36 square feet in any residential or shoreline development district. The sign area for "free-standing" signs is not included in the sign area as set forth in section 43.5.2. However, the Commission may permit by special exception free-standing signs which exceed 120 square feet in any dimension for signs within approved developments with frontage on the North Frontage Road and South Frontage Road within the CB-1, CB-2, CC, and CA-1 zoning districts.

43.5.1.5 double faced signs shall be allowed if each face is clearly designed and intended to be viewed from opposite directions.

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43.5.1.6 In connection with any approved shopping center consisting of multiple retail outlets, or similar complex, or industrial park or any similar large enterprise; the Commission may, in exchange for a reduction of building signage, permit a free standing sign that is larger than 120 square feet.

43.5.1.7 All signs shall be located at least fifteen [15] feet from a street or property line, and no less than twenty five [25] feet from the boundaries of a Residence District. In residential or shoreline development Districts, the location of said signs may be reduced to 10 feet from any property or street line.

43.5.2 Directional Signs: On any lot, subject to the approval of a site plan or administrative approval, directional signs that are necessary for public safety and/or convenience and being no more than 12 square feet in area and 5 feet in height shall be allowed. Said signs shall contain no advertising thereon; giving only the name and directions to not more than 2 establishments located at other premises. Such directional signs my be located no less than ten [10] feet from a street or property line.

43.5.3 Sign Area: Except for "free-standing" and "directional" signs, the total surface of all signs on a premises shall not exceed ten percent [10%] of the surface of the principal wall; measured from ground level to the top of said wall.

In "mixed use" or multi-tenant buildings the signage area for each business or tenant shall be ten percent [10%] of the portion of the wall being utilized by the respective business or tenant along the principal wall, and eight percent [8 %] of the portion of the wall being utilized by the respective business or tenant along any wall not identified as the "principal" wall.

43.5.4 Wall Signs: All wall signs shall comply with the following requirements:

43.5.4.1 Wall signs shall only give the name of the enterprise or occupant of the premises

43.5.4.2 No one business use and/or tenant shall have more than three [3] wall signs on the premises.

43.5.4.3 No wall sign shall exceed a height of 20 feet, measured from the ground to the top of the sign.

43.5.4.4 Except for signage that is part of a permissible awning or canopy, a wall sign may project no more than fifteen [15] inches from the wall to which it is attached.

43.5.4.5 Lettering and/or numbering on any permitted awning or canopy sign shall be limited to the name, address and/or telephone number of the business being conducted on the premises and said lettering shall not project above, below or beyond the physical dimensions of such awning or canopy.

43.5.4.6 No sign projection, awning, or canopy shall occur within eight [8] feet vertical clearance of the ground.

43.5.4.7 Any unit occupancy above the first floor may display a sign on the inside of one [1] window serving said unit of occupancy, provided that no such

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"window sign" exceed an area of 10 square feet.

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43.5.4.8 Wall signs for individual tenants or occupants of a unified shopping or industrial complex or other multi-tenant building shall be designed to reflect a *coordinated aesthetic scheme for the entire shopping center or multi-tenant building.* Such signs shall be *uniform* in letter size, style, type of illumination, wall placement, colors and types of signs within the center or building.

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

43.5.5.1 Signs may project from the face of a building provided that such sign does not project out over a public sidewalk.

43.5.5.2 One projecting sign, not to exceed an area of 4 square feet per side is permitted for each business or use in the building as part of the total allowable sign area for the building.

43.5.5.3 Nor projecting sign, or any part thereof shall be less than eight [8] feet above the ground or walkway.

~~43.5.5~~**43.5.6 WINDOW/DOOR SIGNS:** A window/door sign is any sign any sign, picture, symbol or combination thereof, designed to communicate information about the activity, business, or commodity, within the premises. Said sign is intended to be placed inside the window/door and is visible from the street. The area[s] of window signs which are setback less than fifty [50] feet from the public right-of-way and from abutting residentially zoned properties shall be calculated and added to the square footage of any other wall signs on the building and the combination of all signage shall not exceed the maximum square footage allowable for wall signs. Window signs which are setback more than fifty [50] feet from the right-of-way are exempt from the regulations of this sector.

~~**43.5.5.1** Signs may project from the face of a building provided that such sign does not project out over a public sidewalk.~~

~~**43.5.5.2** One projecting sign, not to exceed an area of 4 square feet per side is permitted for each business or use in the building as part of the total allowable sign area for the building.~~

~~**43.5.5.3** Nor projecting sign, or any part thereof shall be less than eight [8] feet above the ground or walkway.~~

43.6 SPECIAL EVENTS: Notwithstanding any other provisions of this section to the contrary, the Zoning Administrator may approve a sign permit authorizing *temporary signs* , including free standing portable signs announcing special events for a total of not more than 45 days in any calendar year, as well as special advertising devices for new businesses such as plaques, banners, balloons, pennants, streamers, and searchlight displays provided they are in place for not more than thirty [30] days; however, in no instance shall any temporary sign be located within the public way or less than 10 feet from any property or street line.

43.7 SIGNS — RESIDENTIAL ZONES: Signs in residential zones, other than certain signs referred to in Section 43.4 shall be permitted only after the approval of the professional business and/or occupation occurring on the lot. Said sign shall be professional in nature and construction, be of a residential, non-offensive in nature and design, and not exceeding 12

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square feet in area [as described in Section 43.2.6]. Said sign shall not extend within less than 10 feet from any street or property line. Illuminated signs in Residence Districts shall adhere to Section 43.2.3. Free Standing Signs in Residence Districts shall not exceed a height of 5 feet and shall contain only the name and occupation of the professional business, and the street number/address.

43.7.1 On any lot situated in a Residential Zone, containing a cemetery; a use or facility of the Town of East Haven, the Federal or State Governments, or farm; one single sign not exceeding 16 square feet is permitted.

43.8 **VIOLATIONS:** That, in addition to the violation procedures prescribed in these Regulations and/or the Zoning Statutes for the State of Connecticut; any sign illegally erected and/or installed; being either permanently mounted or however temporarily located on a walkway intended for pedestrian traffic, a public or private roadway, an area reserved for vehicular traffic and/or parking, or which in any negatively effects the public health and safety may be confiscated 72 hours after receiving official written notification of the *"intent to confiscate"* .

Any sign confiscated under the provisions of this Section shall become the property of the Town of East Haven.

~~**43.9 WINDOW/DOOR SIGNS:** A window/door sign is any sign, picture, symbol or combination thereof, designed to communicate information about the activity, business, or commodity, within the premises. Said sign is intended to be placed inside the window/door and is visible from the street. The area[s] of said signs shall be calculated and added to the square footage of any other wall signs on the building and the combination of all signage shall not exceed the maximum square footage allowable for wall signs.~~

In any Residence District, window/door signs are prohibited.

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SECTION 44: NONCONFORMITY

44.1 INTENT: It is the intent of these Regulations that nonconformity's are not to be expanded, that they should be changed to conformity as quickly as the fair interest of the parties permit, and that the existence of any existing nonconformity shall not in itself be considered ground for the issuance of a variance for any other property.

44.2 DEFINITIONS: A nonconforming use, building or other structure or lot is one which existed lawfully, whether by variance or otherwise, on the date these Regulations, or any amendment hereto, became effective, and which fails to conform to one or more of the provisions of these Regulations or such any amendment hereto. No nonconforming use, building or other structure, or lot shall be deemed to have existed on the effective date of these Regulations unless:…[1]…it was actually in being on a continuous basis on such date,…and…[2]…if such nonconformity is a use, such use had not been discontinued within the meaning of Section 44.5.

44.3 APPROVED PERMITS and CERTIFICATES: Unless otherwise specifically provided in these Regulations, nothing in these Regulations shall require any change in the use of any land, building or other structure, or part thereof, or in the area, location, bulk or construction of any building or other structure for which a Zoning Permit shall have been lawfully approved and any required Certificate of Occupancy shall have been lawfully issued even though such use, building or structure does not conform to one or more provisions of these Regulations or any amendment hereto.

44.4 CHANGE in PLANS: Subject to the time limitation of Paragraph 44.4.1, nothing in these Regulations shall be deemed to require any change in the proposed use of any land, building or other structure or the area, location, bulk or construction of any building or other structure for which an application for a Zoning Permit has lawfully been approved, and any required Building Permit has lawfully been issued, even though such proposed use, building or other structure does not conform to one or more provisions of these Regulations or any amendment hereto.

44.4.1 Time Limit: An approved application for a Zoning Permit authorizing a proposed use, building or other structure that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 44.4, shall become null and void unless: … (1) … the use authorized thereby shall have been established within one [1] year from the effective date of such Regulations or any amendment thereto when such use does not involve the establishment of a building or other structure for which an Application for a Zoning Permit must be approved;…or… (2)…the use, building or other structure authorized thereby shall be established and completed within two [2] years from the effective date of such Regulations or any amendment thereto. The Zoning Board of Appeals may grant one [1] extension of such period for an additional period, not to exceed one [1] year after a public hearing for good cause shown.

44.4.2 Previous Regulations: The provisions of Paragraphs 44.4 and 44.4.1 shall apply to Zoning Permits approved and Building Permits issued under the Zoning Regulations in effect prior to these Regulations.

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44.5 DISCONTINUANCE: No nonconforming use of building or other structures which shall have been discontinued with intent to abandon said use for a continuous period of one [1] year shall thereafter be resumed, or replaced by any other nonconforming use; no nonconforming use of buildings or other structures which shall have been discontinued for a continuous period of two [2] years shall thereafter be resumed or replaced by any other nonconforming use.

44.6 REPAIR: Nothing in this Section shall be deemed to prohibit work on any nonconforming building or other structure when required by Law to protect the public health or safety and when ordered by the Fire Marshall or the Director of Health, provided that such work does not increase or extend the nonconformity. Nothing in this Section shall be deemed to prohibit work on ordinary repair and maintenance of a nonconforming building or other structure or replacement of existing materials with similar materials.

44.7 ENLARGEMENT: No nonconforming use of land shall be enlarged, extended or altered; and no building or other structure or part thereof devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered, except where the result of such change is to reduce or eliminate the nonconformity. No nonconforming use of a building or other structure shall be extended to occupy land outside such building or other structure. No nonconforming building or other structure shall be enlarged, extended, constructed, reconstructed or altered if the result would be an increase in nonconformity.

44.8 MOVING: No nonconforming use of land shall be moved to another part of a lot or outside the lot, and no nonconforming use of a building or other structure shall be move or extended to any part of the building or other structure not manifestly arranged and designed for such use at the time the use became nonconforming, and no building or other structure containing a nonconforming use shall be moved or relocated unless the result of any such move and/or relocation is to end the nonconformity. No nonconforming building or structure shall be moved unless the result of such moving is to reduce or eliminate it's nonconformity.

44.9 CHANGE: No nonconforming use of land, building or other structure shall be changed to any use which is substantially different in nature and purpose from the former nonconforming use except such uses as a permitted as a matter of right in the district in which they are to be located. No nonconforming use of land, building or other structure if once changed to conform or more nearly conform to these Regulations shall thereafter be changed so as to be less conforming again. No nonconforming building or structure if once changed to conform, or to more nearly conform to the Regulations shall thereafter be changed so as to be less conforming again.

44.10 CASUALTY: If any nonconforming building or other structure or any building or structure containing a nonconforming use shall be destroyed by fire or other casualty to an extend of more than eighty [80%] percent of it's assessed valuation on the last completed tax assessment list for said building or other structure of the Town of East Haven, such building or other structure shall not be reconstructed or repaired and such use shall not be redeemed unless the building, structure and use are made to conform in all respects.

44.11 LOTS: A parcel of land which fails to meet the area, shape or frontage, or any other applicable requirements of these Regulations pertaining to lots, may be used as a lot and a building or other structure may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following requirements are met:

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44.11.1 The use, building or other structure shall conform to all other requirements of these Regulations.

44.11.2 The use shall not be a use for which a Special Exception is required in Schedule A

44.11.3 If used for a dwelling, the lot shall contain a minimum area of 4,000 square feet…and

44.11.4 The owner of the parcel shall not be the owner of contiguous land which, in combination with such parcel that fails to conform would make a parcel that conforms to the requirements of these Regulations.

44.12 TITLE: No change of title, possession or right of possession shall be deemed to affect the right to continue a nonconforming use, building or other structure.

44.13 PERFORMANCE STANDARDS: Any use, building or other structure, which does not conform to one or more of the performance standards of Section 41 shall not be changed to increase such nonconformity; but may be changed to decrease or eliminate such nonconformity. Any such nonconformity so reduced or eliminated shall not be resumed.

44.14 OFF-STREET PARKING and LOADING: Any use, building or other structure, which does not conform to one or more of the provisions of Section 42, Off-street parking and loading, shall continue to conform to such provisions to that the extent that it conforms on the effective date of such Section. Any use of land, buildings or other structures which does not conform to one or more of the provisions of Section 42 shall not be changed to a use which would need or require additional off-street parking and loading spaces to comply with the provisions of Section 42, unless such spaces are provided as required for the new use under Section 42.

44.15 SIGNS: Signs of a size, or type not permitted in the district in which they are situated, or which are improperly located or illuminated, or nonconforming in any other way, shall be considered nonconforming structures under this Section; and any increase in size, illumination, or the flashing of such signs shall be deemed to be an enlargement or extension producing an increase in nonconformity.

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SECTION 45: ALCOHOLIC BEVERAGES

45.1 **GENERAL:** The following regulations shall apply to the location of any business where alcoholic liquor, wine, beer or ale is sold at retail, for consumption off the premises under a:

45.1.1 Package Store Permit

45.1.2 Package Store Beer Permit

45.1.3 Druggist Permit or

45.1.4 Druggist Beer Permit Only, which business is hereinafter referred to as a "liquor outlet", and which Permit shall be issued by the Liquor Control Commission of the State of Connecticut.

45.2 **LOCATION:** No land, building or premises, which prior to the effective date of these Regulations, is not the site or location of a liquor outlet, shall thereafter be used in whole or in part for a liquor outlet if said liquor outlet would be within 500 feet of a church, and/or place of worship and/or any school and/or educational facility, park or playground and/or any Adult Oriented Business {as defined in Section 36} measured as hereinafter specified:

45.3 **MEASUREMENT:** Said 500 foot distance shall be the shortest total horizontal distance that can be measured in the following manner:

45.3.1 Beginning at the midpoint of the principal outside public entrance door of the building, or portion of the building, wherein is proposed to be located a liquor outlet,

Thence, in one or more straight lines, measured within the lot on which such liquor outlet is proposed to be located, the shortest outdoor distance to a point of intersection with a street line of a Town or State highway/road, which street line is also a property line of the lot on which such liquor outlet is proposed to be located;

Thence, along the street lines of a Town or State highway or road, except limited access State highways, or along one or more straight lines within the right-of-way lines of such Town or State highway or road, or a combination of such lines, the shortest measurable distance to a point that is located on a street line which is also a property line on which is located a church, place of worship, school or educational facility, park or playground, or adult oriented business.

45.4 **DISCONTINUANCE:** If any existing liquor outlet, which shall be located within a 500 foot distance of a church, place of worship, school and/or educational facility, park or playground or an adult oriented business, as defined in these regulations, shall be discontinued with the intent to abandon, for a period of thirty {30} days; such liquor outlet shall not be resumed except in conformity to Section 45.2.

45.5 **APPLICATIONS:** Nothing in this Section shall be construed to deny any applicant, who has duly applied for a Permit to the Liquor Control Commission before the effective date of this Section, from thereafter receiving such Permit pursuant to said application for any land, building or premises in the Town of East Haven. Land, buildings or premises used pursuant to a permit applied for and received as stated in this paragraph shall be subject to all of the provisions of this Section in the same manner as if they had been in use under such Permit on the effective date of the adoption of this Section.

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45.6 SHOPPING CENTERS: Notwithstanding the provisions of this Section, one {1} liquor outlet may be located in a shopping center having a gross floor area for retail stores of 50,000 square feet or more, provided that such shopping center was constructed as a "single design unit".

45.7 GROCERY STORE BEER PERMITS in SHOPPING CENTERS: Notwithstanding the provisions of this Section; and notwithstanding the provisions of subsection 45.6, limiting to one {1}, the number of liquor outlets in a shopping center as therein defined, any business meeting the definition of a "grocery store", as set forth in Section 30-1 of Chapter 545 of the Connecticut General Statutes, and occupying a gross floor area of 15,000 square feet or more, in any shopping center as defined in subsection 45.6, shall be permitted to secure a "grocery store beer permit" in any such shopping center as of the date of adoption of this subsection; and shall preclude the establishment of any other liquor outlet in such shopping center unless such other liquor outlet is located in full compliance with the distance restrictions set forth in Subsection 45.2.

45.7.1 Existing Shopping Centers: Notwithstanding the provisions of this Section {section 45}, any business meeting the definition of "grocery store", as set forth in Section 30-1 of Chapter 545 of the Connecticut General Statutes, as amended, shall be allowed to have a "grocery store beer permit" if all of the following conditions are met:

45.7.1.1 Said grocery store occupies a gross floor area of 15,000 square feet or more.

45.7.1.2 Said grocery store business is located in a shopping center meeting the requirements of Subsection 45.6, and:

45.7.1.3 Said grocery store business has not held a previously issued "grocery store beer permit" for the location in question at any time during the one year period ending on the date of the request for the aforesaid "grocery store beer permit" , pursuant to Subsection 45.7.

If all of the foregoing conditions are met, then said business shall be allowed to have a "Grocery Store Beer Permit" even though another liquor outlet may already hold a permit.

45.7.2 New Shopping Centers: Notwithstanding anything contained in Subsection 45.1 through 45.6 inclusive; there may be located in any shopping center which is constructed after the date of the adoption of this Section {45}, and which meets the parameters set forth in Subsection 45.6, both one {1} liquor outlet, holding a grocery store beer permit and one {1} other liquor outlet is permitted.

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SECTION 46: COASTAL AREA MANAGEMENT

46.1 **PURPOSE:** The purpose of this Section is to preserve and enhance the coastal resources of the Town of East Haven in a manner that is consistent with the Connecticut Coastal Management Act, by insuring that the development, preservation and/or use of land and water resources of the coastal area of East Haven proceeds in a manner consistent with the capability of the land and water resources, to support such activity without significantly disrupting either the natural environment or the sound economic growth of the Town of East Haven.

No activity involving the use of land, buildings and other structures situated fully or partially within the officially designated Coastal Area shall be approved until the Coastal Site Plan Review requirements and procedures, set forth in Sections 22a—105 through 22a—109 of the General Statutes of the State of Connecticut have been satisfied.
That the aforesaid activity shall be established and conducted only in conformity with the Zoning Regulations applicable to the District within such activity is situated, and subject to the additional requirements of this Section.

Accordingly, such residential, non—residential, commercial and industrial uses shall be permitted as are permitted, and in the same manner as are permitted in said District, provided that the Coastal Site Plan Review determines that the potential adverse impacts of the proposed activity on both the coastal resources and future water dependent uses are acceptable within the meaning of the Connecticut Coastal Management Act, as amended.

No application for a Zoning Permit shall be approved by the Zoning Administrator and/or Enforcement officer [ZEO] and no Zoning Permit shall be issued until the Z.E.O. or the responsible authority has made a determination, and certifies in writing that such activity has been reviewed and approved in accordance with the Connecticut Coastal Management Act, as amended; or is an activity that is exempted from such review, as is provided for below.

46.1.1 Coastal Area, Defined: The officially designated Coastal Area, as defined by Section 22a-94 of the Connecticut General Statutes, and as is delineated on the Coastal Boundary Map, for the Town of East Haven by the Connecticut Department of Environmental Protection [D. E. P.] consists of all that area seaward of the coastal boundary . The coastal boundary is a continuous line, formed by the farthest inland of: [a]…the 100 year flood line;…or…[b]…1,000 feet from the mean high tide line…or…[c]…1,000 feet from the inland boundary of tidal wetlands.

46.2 **EXEMPTIONS:** Pursuant to Section 22a-109(b) of the General Statutes, the following activities are exempt from the Coastal Site Plan Review requirements:

46.2.1 Gardening, grazing and the harvesting of crops.

46.2.2 Minor additions to, or modification of existing buildings or detached accessory buildings, such as garages and utility sheds; except within the following coastal resources as defined by Section 22a – 93(7) of the General Statutes: wetlands, beaches and dunes or coastal bluffs and escarpments.

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46.2.3 construction of new, or the modification of existing, on—premise structures including fences, walls, pedestrian walks, terraces, underground utility connections, essential gas, electric, telephone, water and sewer lines, signs and such other minor structures as will not substantially alter the natural character of the coastal resources or restrict access along the public beach, as defined by Section 22a—93(7) of the General Statutes.

46.2.4 construction of an individual, single family residential structure, except when such structure is located on an island, not connected to the mainland by an existing road, bridge or causeway; or except when such structure is in, or within one hundred feet of the following coastal resources [as defined by Section 22a—93(7) of the General Statutes]: tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

46.2.5 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wild—life and other coastal land and water resources

46.2.6 Interior modifications to buildings or structures.

46.2.7 Minor changes are the use of a building, structure or property, except those changes occurring on property adjacent to, or abutting coastal waters.

46.3 **NON-CONFORMING ACTIVITIES:** Notwithstanding the above, no exemptions shall be allowed for any non—conforming activity located within 50 feet of mean high water, or of the following coastal resources [as defined by Section 22a—93(7) of the General Statutes]: wetlands, beaches, dunes, coastal bluffs and escarpments, estuarine embayments, or rocky shore fronts.

46.4 **APPLICATION REQUIREMENTS:** A Coastal Site Plan shall be submitted to the Engineering Department for any activity or project (to be) located fully or partially within the coastal area to aid in determining the conformity of the proposal to the Coastal management act. Included in the above are site plans required to demonstrate compliance with specific provisions of the Zoning Regulations as well as subdivision or re-subdivision proposals, special exceptions, variances and Section 8-24 referrals for proposed Municipal projects.

Notwithstanding the above listed exemptions, an application for approval of a Coastal Site Plan shall be submitted to the Commission on a form prescribed by the Commission. Those applications that pertain to variances shall be submitted to the Zoning Board of Appeals.

Pursuant to Sections 22a-105 and 22-106 of the Connecticut General Statutes, a Coastal Site Plan shall include the following information:

46.4.1 A plan showing the location and spatial relationship of coastal resources on, and contiguous to the site.

46.4.2 A description of the entire project, with appropriate plans indicating the project location, design, timing and the methods of construction.

46.4.3 An evaluation of the potential beneficial and adverse impacts of the project…and

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46.4.4 A description of the proposed methods to mitigate any adverse effects on coastal resources

In addition, the applicant shall further demonstrate than the adverse impacts of the proposed activity are acceptable; and that such activity is consistent with the coastal policies of Section 22a—92 of the General Statutes for the State of Connecticut.

46.5 **STATUTORY CRITERIA:** In addition to determining compliance with any other applicable standards, requirements or criteria set forth by these Regulations , the Commission shall review coastal site plans for compliance with the following criteria established in Section 22a—96 of the General Statutes:

46.5.1 Consistency of the proposed activity with the applicable coastal policies in Section 22a—92 of the Connecticut General Statutes.

46.5.2 The acceptability of potential adverse impacts of the proposed activity on coastal resources, as defined in section 22a—93 (15) of the Connecticut General Statutes.

46.5.3 The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as are defined in Section 22a-93 (17) of the Connecticut General Statutes.

46.5.4 The adequacy of any measures taken to mitigate the adverse impacts of the proposed activity on coastal resources and future water dependent development opportunities.

46.6 **COMMISSION ACTION:** Both the Commission and the Zoning Board of Appeals shall: approve, modify, condition or deny coastal site plans for the proposed activity on the basis of criteria listed in Section 22a—106 of the Connecticut General Statutes, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.

Pursuant to Section 22a—106 of the General Statutes, the findings and reasons for their action, with respect to any coastal site plan that is approved, conditioned, modified or denied shall be stated in writing. Further, in approving any coastal site plan, a written finding shall be made that:

46.6.1 The proposed activity as approved, is consistent with the coastal policies in Section 22a—92 of the General Statutes;

46.6.2 The proposed activity incorporates as conditions or modifications all reasonable measures which would mitigate potential adverse impacts on both coastal resources, and future water-dependent development activities;…and

46.6.3 The potential adverse impacts of the proposed activity on coastal resources and future water—dependent development opportunities with any conditions or modifications imposed by the approval are acceptable.

In accordance with Sections 22a—105 through 22a—109 of the General Statutes, hearing notification requirements, time limits for making a decision and decision publication and notification requirements for coastal site plans shall be the same as those set forth in the General Statutes for the type of permit or approval being sought.

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46.7 FEES: Each application for a coastal site plan review shall be accompanied by a fee, payable to the Town of East Haven, in accordance with the schedule of fees, as established by the Commission and/or Board of Appeals, as is applicable.

46.8 VIOLATIONS: In accordance with Section 22a-108 of the General Statutes; activity undertaken within the coastal boundary without the required coastal site plan review and approval, shall be subject to the enforcement remedies authorized under these Regulations.

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SECTION 47: SEDIMENT and EROSION CONTROL

47.1 PURPOSE: It is the purpose of this section to establish a uniformed plan for Sedimentation and Erosion Control measures for any type of development within the Town of East Haven.

47.2: DEFINITIONS: For the purpose of this section, the following definitions for specific terms shall apply.

47.2.1 **Certification** means a signed, written approval by the East Haven Planning and Zoning Commission, or its designated agent, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

47.2.2 **Commission** means the Planning and Zoning Commission of the Town of East Haven, Connecticut.

47.2.3 **County Soil and Water Conservation District** means the New Haven County Soil and Water Conservation District established under subsection (a) of Section 22a-315 of the Connecticut General Statutes.

47.2.4 **Development** means any type of construction or grading activities to improved or unimproved real estate.

47.2.5 **Disturbed Area** means an area where the ground cover is destroyed or removed; leaving the land subject to accelerated erosion.

47.2.6 **Erosion** means the detachment and movement of soil, or rock fragments by water, wind, ice or gravity.

47.2.7 **Grading** means any excavating, grubbing, filling [including hydraulic fill] or stockpiling of earth materials, or any combination thereof.

47.2.8 **Inspection** means the periodic review of sediment and erosion control measures shown on a certified plan.

47.2.9 **Sediment** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its original location by erosion.

47.2.1: **Soil** means any unconsolidated mineral or organic material of any origin.

47.2.11 **Soil Erosion and Sediment Control Plan** means an approved plan or "scheme" that minimizes soil and sedimentation resulting from development and includes, but is not limited to, a map and a narrative description.

47.3 ACTIVITIES REQUIRING a CERTIFIED EROSION and SEDIMENT CONTROL PLAN: A soil erosion and sediment control plan shall be submitted with any application for development where the cumulative area[s] of proposed disturbance is more than 10,000 square feet; and on any occasion that is deemed necessary by the Commission and/or its technical staff.

47.4 EXEMPTIONS: Any single or two-family dwelling that is not a part of a subdivision shall be exempt from these soil erosion and sediment control regulations.

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47.5 EROSION and SEDIMENT CONTROL PLAN:

47.5.1 To be eligible for certification, a soil erosion and sediment control plan shall contain the proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run-off on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control [1985] as amended. Alternative principles, methods and practices may be used with prior approval of the Commission and/or its technical staff.

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

47.5.2.1 A narrative describing

47.5.2.1.1 The proposed development

47.5.2.1.2 The schedule for grading and construction activities including:

47.5.2.1.2.1 The start and completion dates

47.5.2.1.2.2 The sequence of grading and construction activities

47.5.2.1.2.3 The sequence for the installation and/or the application of soil erosion and sediment control measures;

47.5.2.1.2. The sequence for final stabilization of the project site;

47.5.2.1.3 the design criteria for proposed soil erosion and sediment control measures and storm water management facilities

47.5.2.1.4 the construction details for proposed soil erosion and sediment control measures and storm water management facilities.

47.5.2.1.5 the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

47.5.2.1.6 the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

47.5.2.2 A site plan map at a sufficient scale to show:

47.5.2.2.1 The location of the proposed development and adjacent properties.

47.5.2.2.2 The existing and proposed topography, including soil types, wetlands, watercourses, and water bodies;

47.5.2.2.3 The existing structures on the site, if any;

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47.5.2.2.4 The proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.

47.5.2.2.5 The location and design details for all proposed soil erosion and sediment control measures and storm water management facilities.

47.5.2.2.6 The sequence of grading and construction activities

47.5.2.2.7 The sequence for installation and/or the application of soil erosion and sediment control measures;

47.5.2.2.8 The sequence for final stabilization of the development site.

47.5.2.3 Any further information deemed necessary and appropriate by the applicant, or requested by the Commission, its designated agent or staff.

47.6 MINIMUM ACCEPTABLE STANDARDS:

47.6.1 Plans for soil erosion and sediment control shall be developed in accordance with these Regulations, using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

47.6.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons for the requested exception[s] are presented.

47.6.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the Commission

47.7 ISSUANCE or DENIAL of CERTIFICATION:

47.7.1 The East Haven Planning & Zoning Commission, or it's designated agent shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation; or deny certification when the development proposal does not comply with these regulations.

47.7.2 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124a or 126 of the Connecticut General Statutes.

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47.8 CONDITIONS RELATING to SOIL EROSION and SEDIMENT CONTROL:

47.8.1 The estimated costs of the measures to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 33 of these Regulations.

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

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

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

47.9 INSPECTION: Inspections shall be made by the Commission and/or it's designated agent[s] during all stages of development to ensure compliance with the certified plan and that control measures and facilities are properly performed and/or installed and maintained.

The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed and/or installed according to the certified plan and are being operated and maintained.

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SECTION 48: STORMWATER MANAGEMENT *(amended March 17, 2016)*

48.1 PURPOSE and AUTHORITY: In accordance with the provisions of Chapters 98, 124,126, 440, 444, and 446h of the General Statutes of the State of Connecticut, as amended, the Town of East Haven hereby adopts the following Stormwater Management Regulations for the following purposes:

Increased development, without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries, and other waters of the State. Recognizing the State's water resources are valuable natural, economic, recreational, cultural and aesthetic resources. The protection and preservation of these waters is in the public and municipal interest and is essential to the health, safety and welfare of the citizens of the State. It is, therefore, the purpose of these Regulations to protect and to preserve the waters within the Town of East Haven from nonpoint sources of pollution through the proper management of stormwater flows and minimization of inputs of suspended solids, pathogens, toxic contaminants, nitrogen and floatable debris to these flows.

48.2 DEFINITIONS: For the purpose of this Ordinance, the following words and phrases shall have the following meaning(s):

48.2.1 Aquifer: a geologic formation, groups of formations, or part of a formation that contains sufficient saturate, permeable materials to yield significant quantities of water to wells and springs.

48.2.2 BMP's: [Best Management Practices]: techniques or structural devices that are effective, practical ways of preventing or reducing pollution.

48.2.3 First flush of rain: the initial runoff, usually the first inch of rain that contains higher pollutant concentrations the does the subsequent runoff; due to the initial washing off of dry weather deposits in a significantly higher concentration than those washed off later in a storm. This effect is particularly pronounced with initial heavy rainfalls.

48.2.4 Groundwater: water found beneath the ground surface that completely fills the open spaces or voids between particles of sediment, and within rock formations.

48.2.5 Impervious surface: material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

48.2.6 Low-Impact Development (LID): A site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. These design standards are guided by the 2004 Connecticut Stormwater Quality Manual as amended from time to time.

48.2.7 Sediment: solid material, either mineral or organic, that is in suspension, is transported, or has been removed from its site or origin by erosion.

48.2.8 Site: a single parcel, together with any adjacent waters, which is the subject of an application for zoning approval, subdivision approval, coastal site plan review, or an inland wetlands permit.

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48.2.9 **Trash hood:** a feature in a catch basin which, by design, traps debris such as litter and keeps it from being discharged from the catch basin.

48.2.10 **Urban stormwater runoff:** precipitation that falls onto the surfaces of roofs, streets, paved driveways, patios, parking lots, roads and the grounds of developed areas; not absorbed by the ground or retained in its surface, but collects and runs off, thereby carrying a wide variety of pollutants such as (but not limited to) oil-based contaminants, heavy metals (copper and lead), nutrients and bacteria.

48.3 **APPLICATION REQUIRMENTS:** Any applicant, seeking an approval on a site plan, subdivision, re-subdivision, special exception, coastal site plan review and/or inland/wetland permit, pursuant to the East Haven Zoning and/or Subdivision Regulations shall include, as part of said application, a Stormwater Management Plan when:

48.3.1 Said application pertains to a development or construction project disturbing five (5) or more acres of total land area…and/or:

48.3.1.1 That, in the event of a proposed development or construction project projecting a total disturbance of five (5) or more acres; said applicant shall be further required to submit to the registration to the Connecticut D.E.E.P., under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities,…and/or:

48.3.2 The submitted application pertains to any site having one (1) or more acres of impervious cover…and/or:

48.3.3 The submitted application pertains to any new industrial or commercial project*…and/or

48.3.3.1 Any commercial and/or industrial project, having 5 (five) or more acres of contiguous impervious surface may require the submission of registration to the CONNECTICUT D.E.E.P. UNDER THE General Permit for the Discharge of Stormwater Associated with Commercial Activity, or the General Permit for the Discharge of Stormwater Associated with Industrial Activity, …and/or

48.3.4 the East Haven Planning and Zoning Commission requires the submission of a Stormwater Management Plan, pursuant to written findings that the activity being proposed in said application has the potential to cause significant nonpoint source pollution to ground or surface water drinking supplies, and/or to the waters of Long Island Sound, and/or to any other waters of the State. Such findings may be based upon a written request by the Commissioner of Environmental Protection.

48.4 Upon a finding by the Commission, that the activity proposed in an application may result in significant, nonpoint source pollution to ground or surface water drinking supplies, or to Long Island Sound, or to any other waters of the State, said Commission may refer the application, including the "Stormwater Management Plan" to the Commissioner of Environmental Protection for a determination as to whether a discharge permit, under Section 22a-430 of the General Statutes, or other State authorization, is required.

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48.5 **STORMWATER MANAGEMENT PLAN:** In the event that a Stormwater Management Plan is required as per Section 48.3 of these Regulations, said plan shall include, at a minimum, the following information:

48.5.1 The soil characteristics of the site

48.5.2 The D.E.E.P. ground and surface water quality classification of the site

48.5.3 The location of the closest surface water bodies and/or wetlands to the site, and the depth to any groundwater or aquifer areas to the site.

48.5.4 In the case of tidal waters, provide the mean Coastal Jurisdiction Line.

48.5.5 The location and description of all proposed stormwater control "BMPs" (best management practices) for both the construction activities and for the post-construction, long term stormwater control.

48.5.6 The proposed maintenance and operation annual maintenance or schedule for any trash hoods, catch basins, or other "BMP" devices used to prevent and/or treat stormwater

48.5.7 Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity being proposed in the application. Rates of TSS removal after completion of proposed activity shall conform to Section 48.7.9 meeting a rate of 80%.

48.5.8 A hydrology study of pre-development site conditions. Said study shall be conducted at a level of detail commensurate with the probable impact of the proposed activity and should extend downstream to the point where the proposed activity causes less than a five (5) percent change in the peak flow rates.

48.6 **EXEMPTIONS:** In an event that the Commission determines that the proposal will not have the potential to cause significant nonpoint source pollution to groundwater or surface water drinking supplies, or to Long Island Sound, or any other waters of the State, the Commission may waive submission of the requirements of subsections 7 and 8, listed in section 48.5

48.7 **STANDARDS and CRITERIA for DECISIONS:** In order to approve any application for which a Stormwater Management Plan is required, the Commission shall find that the submitted Stormwater Management Plan is consistent with the following criteria:

48.7.1 Direct channeling of surface water runoff into adjacent ground and surface waters and tidal wetlands shall be prohibited.

47.7.2 No net increase in urban stormwater runoff from the site shall result from the proposed activity

48.7.3 Design and planning for site development shall provide for minimal disturbance of predevelopment, natural hydrologic conditions, and shall reproduce such conditions after the proposed activity to the maximum extent feasible.

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48.7.4 Pollutants shall be controlled at their source, to the maximum extent feasible in order to both contain and minimize contamination.

48.7.5 Stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.

48.7.6 Stormwater management systems shall be designed to: collect, retain and treat the first inch of rain on site, so as to trap all floating material, oil and litter by means of oil and grit separators and trash hoods and other "BMP" techniques.

48.7.7 On site storage of stormwater shall be employed to the maximum extent feasible. On site storage methods include, but are not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention ponds.

48.7.8 Stormwater runoff rates and volumes shall be controlled, by slowing runoff velocities and encouraging infiltration. Post development runoff rates and volumes shall not exceed pre-development rates and volumes. BMP methods for controlling runoff and encouraging, infiltration include the minimization of impervious surfaces, minimization of curbing and collection, the use 'of grass or vegetative filter zones, landscaped depressions, dotted curb spacers, perforated pipes for conveying stormwater, establishment of buffers from streams, wetlands, and water bodies, and any combination of methods where appropriate.

48.7.9 Stormwater treatment systems shall be employed where necessary to ensure that the average annual loading of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of TSS from the site on an average annual basis. 8MP methods for stormwater treatment include infiltration through vegetative strips, grass swales and detention basins.

48.7.10 All developments shall pursue Low Impact Development standards and techniques to the extent possible. When a specific technique is possible and feasible, as compared to other alternatives, it shall be incorporated into the plan. Low Impact Development standards and techniques are outlined in the 2004 Connecticut Stormwater Quality Manual, as amended from time to time.

48.7.11 The stormwater management plan shall include provisions for the handling and disposal of construction site discarded wastes, concrete truck washouts, chemicals and sanitary wastes, and litter.

48.8 **VIOLATION:** Failure to comply or implement any of the requirements of the Stormwater Management Plan or any other documents and provisions in connection with an approved application shall constitute a violation.

48.9 **ENFORCEMENT and PENALTIES:** The Zoning Officer and/or Town Engineer and/or their agents are empowered to enforce any/all provisions of this section. Any noted violation by an authorized enforcement agent shall be abated immediately. The penalty for any violation of this section shall be a monetary fine in accordance with the provisions of Connecticut General Statute 8- 12 [C.G.S. 8-12] and/or Section 54 of these Regulations and/or the immediate halt to the operations until such time that the violation[s] are abated.

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SECTION 49: WIRELESS COMMUNICATION FACILITIES

49.1 PURPOSE and INTENT: The purpose of this section is to accommodate the need for "Cell sites" in a manner that protects the municipality, minimizes conflict with adjacent uses and the surrounding area, and to assure the health and safety of the public. The Town of East Haven and the Commission recognizes the quasi-public nature of cellular communications systems and finds that these regulations are necessary to protect the ecological, scenic, historical and recreational values of the community and to ensure that visual and operational effects will not disturb the integrity of residential neighborhoods or contribute to degradation of the surrounding area. More specifically, the purposes are to:

49.1.1 Accommodate the need for cellular communications antennae while regulating their location and number

49.1.2 Minimize adverse visual effects of cellular communications antennae and antenna and/or cell site towers through proper design, siting and vegetative screening;

49.1.3 To avoid potential damage to adjacent properties from antenna or cell site towers and falling ice through their proper siting and engineering.

49.1.4 To encourage the joint use of any new antenna and/or cell site tower

49.1.5 Reduce the number of antenna or cell site towers needed in the future.

49.2 DEFINITIONS: For the purpose of this section, the following definitions shall apply:

49.2.1 Antenna: a device used to collect or transmit telecommunications or radio signals. Examples include panels, microwave dishes and mono-pole devices known as "whips"

49.2.2 Tower: a structure that is intended to support equipment used to transmit and/or receive telecommunications and/or radio signals. Examples include monopoles and lattice construction steel structures.

49.2.3 Antenna Height: the vertical distance, measured from the base of the antenna support structure, at grade, to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grade shall be used in calculating the antenna height.

49.2.4 Cell Site: the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communication source and transmitting those signals to another cell site or to a central switching computer which connects the mobile unit with land-based telephone lines.

49.2.5 Co-located Cell Sites: cell sites which utilize existing towers, buildings or structures for the placement of antennas and does not require the construction of a new tower.

49.2.6 Digital Radio Repeater Station: means a relay facility that receives a digital satellite signal, and re-transmits it to mobile radio receivers on the ground. It generally consists of a small satellite reception antenna, power equipment and an omnidirectional whip antenna that are co-located in and/or on existing buildings or

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structures already in use as an approved telecommunications facility. Although not specifically encompassed by the term "telecommunications facility", it has physical characteristics similar to other co-located cell sites, as defined in Section 49.2.5 and, therefore, shall be processed as a permitted use, subject to all applicable standards and provisions of Section 49.5 of these Regulations for such co-located telecommunications facilities. [New definition effective March 26th, 2001]

49.3 SITE SELECTION POLICIES: In the location of new cell sites, consideration must be given to locations in the following order of preference, with due consideration of municipally owned property as appropriate:

49.3.1 As "co-locations" on existing towers, tanks, water towers and existing structures in non-residential zones, such as buildings, smokestacks and similar structures.

49.3.2 In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening.

49.3.3 On new towers in non-residential districts [zones] and with visual mitigation or screening wherever possible.

49.3.4 On governmental, institutional or other structures situated in residential districts;

49.3.5 On new towers with maximum visual mitigation and/or screening in residential districts.

49.4 APPLICATION PROCESS: All applications for the installation for any cell site and antennas, proposed under Section 24, "Permitted Uses" in any CA-1, CA-2, CB-1, CB-2, CC and CD zones shall be made by Site Plan Application. All proposals for a cell site and antenna in any Residential zone shall require a Special Exception approval. Cell Sites and antenna are prohibited in all DRA-1, PDD and PEFD zoning districts.

In any instance, in any zoning district where such a proposal includes the construction of a Tower, a Special Exception application and approval is required.

49.4.1 Site Justification Statement: any Special Exception application for a new cellular tower shall include the location of all high structures within 2,500 feet of the proposed site and a description of the process that eventually eliminated the use of these potential sites

The applicant shall explain the selection process, pursuant to the above policies and document why a "co-located" Cell Site is not possible. Documentation will be assessed with regard to technological unfeasibility, availability of a suitable site, structural feasibility or other proof supported by documentation. Evidence must be included that the owners of all potential locations have been contacted and asked for permission to install the antennas on those structures; and each was denied for other than economic reasons. This would include water towers, smoke stacks, high buildings, antenna or towers of other cellular communication companies, other communication towers [fire, police, etc.] and other tall structures. Absence of a "good faith" effort to mount the antennae on an existing structure shall be sufficient grounds for the denial of the Application by the Commission.

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49.4.2 Siting Council Application: if a new tower requires an application to the Connecticut Siting Council, a copy of the proposed application shall also be filed as a part of the Special Exception Application.

49.5 CO-LOCATED CELL SITE CONSTRAINTS: any antenna that is mounted or attached to an existing communications tower, water tower, smoke stack, governmental or institutional building or any other type of high building and/or structure shall be permitted in all zones, subject to the following maximum height provisions:

49.5.1 Omnidirectional or whip antennas shall not exceed 20 feet in height or seven [7] inches in diameter and shall be of material or color that blends with the exterior of the building or structure to which it is being mounted.

49.5.2 Directional or panel antennas shall not exceed five [5] feet in height, or two [2] feet in width and shall be of a material or color that matches the exterior of the building or structure.

49.5.3 Satellite and microwave dish antenna shall not exceed 4 feet in diameter and when mounted on a building or rooftop, they shall be located or screened so as not to be visible from abutting streets.

49.5.4 An antenna may not be located on a building or structure that is listed on a historic register unless it is approved as a Special Exception.

49.6 STANDARDS for SPECIAL EXCEPTION APPROVALS: No Special Exception for any proposed Tower, Antenna or any other type of wireless communications facility shall be granted unless it is in conformance with the following standards and conditions:

49.6.1 Fencing: All proposed towers and related ground equipment shall be surrounded by a decorative fence, approved by the Commission, not higher than eight [8] feet.

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

49.6.2.1 An evergreen screen, consisting of a row of evergreen trees planted not more than 10 feet on center shall be required to enclose the site. Said evergreens shall have a minimum height of six [6] feet at the time of planting.

49.6.2.2 The existing vegetation on and around the site shall be preserved to the maximum extent possible.

49.6.3 Illumination: no lighting of any tower shall be permitted unless mandated by the Commission, the Federal Aviation Administration [F.A.A.] or the Federal Communications Commission [F.C.C.].

49.6.4 Signage: no commercial advertising or any a other type of signage or advertising is permitted on any cell site, antenna or antenna tower.

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49.6.5 Antenna Height: no antenna tower shall exceed the height required to satisfy the technical requirements of the user[s]; and in no event shall any tower exceed a height of 100 feet in any residence zone or 150 feet in any non-residential zone.

49.6.6 Setbacks: All antenna towers shall be set back from any property line not less than the minimum setback required in the district or 30 percent of the height of the tower, or 40 feet, whichever is greatest.

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

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

49.6.9 Abandonment: A cell site which is not used or maintained for a period of six [6] months shall be removed by the service facility owner. This removal shall occur within 90 days of notification. Failure to proceed with said removal shall be considered a "willful violation" and, as such is eligible for daily monetary fines as prescribed under C.G.S. 8-12.

49.7 ADDITIONAL REQUIREMENTS: In addition to the requirements set forth above, the Commission may require the submission of the following information:

49.7.1 Joint Use Accommodation: in order to minimize the number of Towers in the future, all proposed support tower structures shall be designed to accommodate at least two [2] additional users, including other cellular communication companies and local police, fire, ambulance and other non-private emergency services.

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

49.7.2.1 The availability of suitable structures for co-located cell sites;

49.7.2.2 Topography as it relates to line of sight transmission for optimum service efficiency

49.7.2.3 Leasable sites and willing landlords

49.7.2.4 Screening potential of existing vegetation, structures and topography

49.7.2.5 Compatibility of adjacent land uses

49.7.2.6 Least number of sites to cover the desired area

49.7.2.7 Greatest coverage consistent with physical requirements.

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49.7.2.8 Opportunities to mitigate possible visual impacts;

49.7.2.9 Availability of sites that are not in a residential area;

49.7.2.10 Preservation of "view corridors"

49.7.2.11 Potential for the preservation of the pre existing character of the site;

49.7.2.12 Minimal impact on residential areas adjacent to commercial or industrially zoned sites;

49.7.2.13 The selection of sites which lend themselves more readily to visual mitigation;

49.7.2.14 Compatibility with adjacent land uses;

49.7.2.15 The availability of adequate infrastructure, including road access, electric power and land based telephone lines or microwave link capability.

49.7.3 Peer Review: In the event that the Commission determines that a "peer review" of the technical issues and submitted information is warranted, the applicant shall assist the Commission in retaining such peer review and shall reimburse the Town for any reasonable costs associated with obtaining such peer review.

49.7.4 Graphic Simulations: The Commission may require depictions such as sketches, photographic simulations and/or photographs of a balloon at the elevation of the proposed cell site. If a balloon elevation is required, the applicant shall be responsible for public notice, in the form of a legal advertisement to appear in a newspaper of substantial circulation in the municipality no less than 7 and no more than 10 days prior to the elevation of said balloon. The applicant shall further be required to notify all property owners within 100 feet of the property on which the cell site is proposed by Certified Mail, and shall provide the Town with proof of notification. In any such event where a balloon elevation is a requirement, said elevation shall be conducted on three [3] consecutive days.

49.7.5 Towers atop Buildings: Notwithstanding the provisions of Section 25.3 - Height; any communication tower that is proposed to be located atop an existing or proposed building or structure shall not be considered "accessory" to said building/structure, and therefore said tower *is not* exempt from the provisions of Section 25.3.

49.8 COMMUNICATION TOWERS on TOWN PROPERTY: In any instance where a Communications Tower is proposed on Town owned property; and said tower is intended either wholly or partially for use of, or by the Town; said tower shall considered to be a "Permitted Use" as defined in Section 24, use line #9. However, in such instances, the Planning and Zoning Commission may require a formal "Site Plan" hearing process, and require modifications to the proposal in issues of the public health, safety and welfare.

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ARTICLE V
ADMINISTRATION & ENFORCEMENT

SECTION 51: ZONING BOARD of APPEALS

51.1 **GENERAL:** The East Haven Zoning Board of Appeals shall have all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut, under Chapter 124, revised 1958 and may adopt rules and procedures necessary to exercise its authority. The purpose and intent of this Article is to guide the Board and applicants by setting forth, in one location hereunder the general provisions found in, and interpreted from the Connecticut General Statutes, and to prescribe the permissible limits applicable to the requesting and granting of use variances.

51.2 **POWERS:** The powers and duties of the Zoning Board of Appeals shall include the following:

51.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Enforcement Officer or other official charged with the enforcement of these Regulations.

51.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the Connecticut General Statutes; including the location of gasoline stations, motor vehicle dealerships and motor vehicle repair garages, as defined by the General Statutes; and

51.2.3 To determine and vary the application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel, but not affecting generally the district which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured, provided that these Regulations may specify the extent to which uses shall not be permitted by variance in districts in which such uses are not otherwise allowed.

51.3 **PROCEDURE:** All appeals and applications made to the Zoning Board of Appeals shall be submitted on forms prescribed by the Board, together with the necessary fee, paid by cash, check or money order made payable to the Town of East Haven and shall conform to such requirements, standards and procedures as may be set forth by the Board. All appeals of any enforcement order shall also require necessary fees, paid to the Town in a similar manner, also to be submitted of forms prescribed by the Board along with a specific detailed statement citing the reason for such an appeal of said order. Any requested Variance from these Regulations shall, exactly set forth the interpretation that is claimed or the degree of adjustment that is applied for; which adjustment should be the minimum necessary to overcome the hardship claimed, and the grounds or other basis for requesting such relief. Applications shall further include any other additional supporting information as may be reasonably be asked for by the Zoning Board of Appeals.

Upon receipt of a complete application or appeal, the Board shall conduct a public hearing thereon, decide same and give notice of its decision in accordance with the application provisions of the Connecticut General Statutes. Notice of the time and place of the public

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hearing shall be published in a newspaper having substantial circulation in the Town of East Haven at least twice, at intervals of no less than two days, the first not more than fifteen days nor less than ten days; and the last, not less than two days before said hearing. The granting of any variance, or the reversal of any order, requirement or decision made by any official charged with the enforcement of these Regulations shall require the affirmative vote of four [4] members of the Zoning Board of Appeals. Notice of the decision of the Board shall be published in the newspaper and addressed by certified may to any person who appeals to the Board within fifteen [15] days after such decision has been rendered. Such variance shall become effective upon the filing of a copy thereof in the land records of the Town of East Haven.

51.4 **NOTIFICATION of AFFECTED and ADJACENT PROPERTY OWNERS:** Each application for a variance request shall be accompanied by a list of names and addresses of the owners of all adjacent properties as indicated on the most recent records on file in the Town of East Haven's Tax Assessor's Office. The applicant shall mail notification of said pending application and hearing date to at least one owner of record of each of said properties adjacent to the property requesting said variance, not more than 15 or less than 10 days prior to the date set for the public hearing. In the case of an "adjacent" condominium, notification shall be sent to the official business address of the Association or other business or legal entity responsible for the business affairs of the condominium. The text of said notice shall contain the Public Hearing notice provided by the Zoning Board of Appeals.

For the purpose of this section, the term adjacent shall also mean, and refer to any properties directly or almost directly across the street from the subject property. Evidence of such mailings, in the form of U.S. Postal Office "Certificates of Mailing" shall be submitted to the Zoning Board of Appeals, or it's agent together with a duplicate list of the above noted property owners, not less than five [5] days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for a denial of the variance request.

51.5 **OTHER NOTICES and REFERRALS:** The Zoning Board of Appeals shall, upon receipt of variance applications, make the following referrals:

51.5.1 Notice of applications for a variance in the use of property, any portion of which lies within 500 feet of a contiguous municipality shall, at least five days prior to the public hearing on such application; be transmitted to the Clerk of such municipality. Said notice shall be in writing and shall state the facts of such application and the date, time and place of such hearing.

51.5.2 The Board may also solicit and require information or assistance from the Zoning Enforcement Officer, Building Official, Fire Marshall or other Town departments concerning any application. All such information, findings or advisory opinions shall be read into the record of the public hearing. Any failure of the Zoning Enforcement Officer, Building Official or other municipal to respond to any request will not prevent the Board from rendering a decision on the matter before it.

51.6 **POSTING of PREMISES:** Whenever a Public Hearing is scheduled by the Zoning Board of Appeals, the applicant shall post a sign on the property which is the subject of the Public Hearing. Said sign shall be supplied by the Town of East Haven, and shall be placed in such a manner as to be both visible and legible to any passersby on the principle street at the

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affected property. Said sign shall state the date, time and place of the public hearing, shall indicate the subject matter and shall be in evidence for the continuous period of not less than ten [10] continuous days preceding the date of the public hearing.

51.7 **FINDINGS:** The findings of the Zoning board of Appeals shall be fully described, in detail, in the minutes of the Board. It shall be the policy of the Zoning Board of Appeals , when exercising the power to determine and vary the standards or application of these Regulations to make the following findings

51.7.1 That conditions exist that especially affect the parcel of land for which the variance is sought, as a result of which conditions, that a literal enforcement of these Regulations would result in exceptional difficulty or an unusual hardship.

51.7.2 That these conditions do not generally affect the district in which the parcel is situated.

51.7.3 That, for reasons set forth in the findings, the variance is necessary to relieve the exceptional difficulty or unusual hardship, and is the minimum variance necessary to accomplish such purpose, and

51.7.4 That, the variance will be in harmony with the purpose and intent of these Regulations and will continue to conserve the public health, safety, convenience, welfare and property values.

51.8 **ADDITIONAL POLICY:** It shall also be the policy of the Zoning Board of Appeals, when exercising the power to determine and vary the application of these Regulations as described in Section 51.2.3, to adhere to the following:

51.8.1 Where a use of land, buildings or other structures is permitted in a district and subject to an approval of a Special Exception and/or a Site Plan by the Planning and Zoning Commission, a variance in connection with such use may be granted only subject to submission and administrative approval of said Site Plan by said Commission.

51.8.2 No variance shall be granted which would permit any use of land, buildings or structures that is prohibited in all districts within the Town.

51.8.3 No variance shall be granted which would allow a use of land, buildings or other structures that is prohibited in the district, unless such use is currently permitted in another district of similar classification.

51.8.4 The Zoning Board of Appeals shall not grant any use variance unless a favorable report is issued by the Planning and Zoning Commission and unless each of the following additional findings can be substantiated by the Board and entered into the minutes at which the use variance request is acted upon:

51.8.4.1 The subject parcel of land cannot be reasonably developed for any permitted use within the district in which it is located because of reasons peculiar to the parcel in question, and not otherwise applicable to the area as a whole; and

51.8.4.2 The use will not impair the essential existing character of the area and will

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not conflict with the general purpose and intent of these Regulations.

51.9 **TIME LIMITATIONS:** Any conditions, stipulations or other actions imposed on the applicant as a result of the decisions or orders of the Zoning Board of Appeals must be satisfied within any time period stipulated by the Board or the variance becomes null and void.

Any use variance granted by the Zoning Board of Appeals must be put into effect within one year from the effective date of said variance or the variance shall become null and void. The Board may vote, after a public hearing, to grant a one year extension of such time for good cause shown.

The Zoning Board of Appeals shall not be required to reconsider any application for the same, or virtually the same variance any sooner than may be stipulated by State Statute, or one [1] year, whichever is less; unless, in the opinion of said Board, there has been a substantial or unusual change in conditions, an error in a decision, or disclosure of new evidence that might warrant a re-hearing. The approval of any justification for a re-hearing must be granted by said Board before its acceptance of an application and/or petition. Notwithstanding the above, where there has been an error in a decision or in such other cases as the Zoning Board of Appeals deems reasonable, the approval of justification for a re-hearing, and the hearing itself may occur at the same meeting of said Board.

51.10 Any party who is aggrieved by a ruling or an enforcement order of the Zoning Enforcement Officer, may take an appeal to the Zoning Board of Appeals ; and shall file a formal, written notice of appeal within thirty [30] days after the date of such ruling or violation notice. Such appeals shall be filed in accordance with the provisions of Section 8-7 of the Connecticut General Statutes, using a form provided by the Board, which specifies the grounds for such appeal and includes such other information as the Board may require.

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SECTION 52: ADMINISTRATION

52.1 ZONING ENFORCEMENT OFFICER: The Planning and Zoning Commission shall appoint a Zoning Enforcement Officer, and duly appointed Deputies to work under his/her direction who shall have the authority and responsibility to enforce the provisions of these Regulations in accordance with any administrative rules and procedures as may be established by the Commission. Said Zoning Enforcement Officer and any designated Deputies shall be directly responsible to the Commission to carry out his/her/their duties, according to Law, and under such rules that the Commission may adopt. No Zoning Permit and/or Certificate of Use and Occupancy may be issued unless signed by the Zoning Enforcement Officer and/or his/her designated Deputy.

52.2 ENFORCEMENT: The Zoning Enforcement Officer and/or Deputy may cause any building, structure, place, premises, sign or use to be inspected and examined; and to order, in writing, the remedying of any condition found to exist in violation of any provision of these Regulations. The owner, agent lessee, tenant, architect, builder or contractor of any property, building or premises or any part thereof, in which a violation has been committed or exists shall be considered the violator and shall be subject to penalties in accordance with Section 8-12 of the Connecticut General Statutes; the provisions and penalties prescribed in these Regulations or any other "reasonable action" designed to restore such building, structure, place, premises, sign or use to compliance with these Regulations.

Any Official having jurisdiction may institute an action, proceeding or remedy to prevent the unlawful erection, construction, alteration, conversion, maintenance or use of a building, structure or land; or to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises or land.

52.3 ZONING PERMIT APPLICATION: Applications for a Zoning Permit shall be submitted to the Zoning Enforcement Officer for his/her review and approval. Every application for a Zoning Permit shall be accompanied by such information and exhibits as are required herein, or such additional information, including other plans, drawings, statements and data as may be required by the Zoning Enforcement Officer in order that the proposal may be adequately and accurately interpreted and evaluated as to its conformity with the provisions and intent of these Regulations. For proposed construction involving only interior or use alterations, or alterations with no enlargement or extension of an existing building or structure, the Zoning Enforcement Officer may waive the submission of the required plot plan. For the purpose of this section, the terms "zoning permit" and "Certificate of zoning compliance" are synonymous.

52.3.1 Submitted applications for a zoning permit shall be accompanied by a plot plan and/or site plan, drawn to scale, on a sheet not to exceed 24" x 36"; at a scale of one [1] inch equals forty [40] feet and certified "substantially correct" by a licensed Civil Engineer or Land Surveyor, based on a Class A-2 survey, not more than 15 years old and showing the following information as the date of the application:

52.3.1.1 Name of the applicant and the owner of record.

52.3.1.2 Property's street address, the Assessor's map and parcel number from the Assessor's [field] card.

52.3.1.3 North point, graphic scale and date.

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52.3.1.4 Lot area; dimensions, radii and angles or bearings of all lot lines.

52.3.1.5 The size and location of all existing buildings or structures and/or additions; including dimensions, floor area, ground coverage and minimum floor elevations, uses, all fences, walls and terraces.

52.3.1.6 All setback lines and dimensions of actual setbacks of all buildings and structures.

52.3.1.7 The location, area and dimensions of all parking areas, loading areas, driveways, curb cuts, easements and rights-of-way and other access thereto, spot elevations at appropriate locations.

52.3.1.8 Existing and proposed landscaping and exterior lighting locations;

52.3.1.9 Existing and proposed contours at two [2] foot intervals, at minimum, in areas proposed to be disturbed by construction;

52.3.1.10 The location of municipal water or well lines, sewer lines or septic tanks, leaching fields and reserve areas, high pressure gas lines and high tension transmission lines.

52.3.1.11 The location of all storm drainage and drainage lines on the property;

52.3.1.12 The location, dimension and height of all signs and other facilities and improvements subject to the provisions of these Regulations;

52.3.1.13 The location of waterbeds, watercourses, swamps, inland and/or tidal wetland boundary lines , and flood prone areas with delineated channel encroachment lines, high tide lines, twenty five [25] and one hundred [100] year flood lines and floodway boundary lines.

52.3.1.14 When an application is located in a flood prone area, include existing and proposed site grades, contours, base flood elevation data, top of foundation elevations, finished floor elevations;

52.3.1.15 A Sediment and Erosion Control [S&E] Plan pursuant to these Regulations.

52.3.2 Building Plan: The application shall be accompanied by an architectural drawing of all new buildings or alterations at a scale of not less than one [1] inch equals eight [8] feet, and showing the following information:

52.3.2.1 Name of the applicant and the owner of record

52.3.2.2 Property street address

52.3.2.3 All exterior wall elevations, indicating floor heights, and overall building height

52.3.2.4 Numerical scale and date;

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52.3.2.5 Building floor plans indicating existing and proposed usage, interior floor and/or patron floor area

52.3.2.6 Architectural rendering of the exterior of the proposed structure and/or addition.

52.3.3 Modify and/or Delete Submission Requirements: The Zoning Enforcement Officer may modify or delete any of the requirements for a zoning permit, provided that the information required is inappropriate or overly excessive to the particular application; and that the omission of such information will not impair or prejudice the Zoning Officer's determination as to the applications conformity to the to the Zoning Regulations

In instances where the proposal is for a minor addition and/or modification to a residential dwelling or an accessory structure, the Zoning Enforcement Officer may allow a "hand drawn", scaled plot plan as long as the property owner assumes the liability for the accuracy of the document.

52.3.4 Special Plans: In addition to the requirements set forth in this section, and where required by Article III of these Regulations, the zoning permit application shall be accompanied by required site plans, architectural plans and other plans [lighting, landscaping, erosion control] and drawings meeting the standards set forth therein. Site and building plans, incorporating all of the information required to be shown on said plan drawings specified in sections 52.3.1 and 52.3.2 may be substituted for said drawings.

52.3.5 Fees: Each application for a zoning permit shall be accompanied by a fee as determined from a schedule of fees adopted by resolution of the Commission and posted in the Planning and Zoning Office.

52.3.6 Additional Information: The Zoning Enforcement Officer/Administrator may further require such other information as may be necessary to determine compliance with the intent and purpose of these Regulations, such as total lot coverage calculations, floor area ratios, etc.

52.4 REFERRALS and REVIEW: The Zoning Enforcement Officer/Administrator shall review all applications for completeness and adequacy. When an application for a zoning permit may only be approved after the approval of a site plan, subdivision plan and/or special exception, or any other required Commission action as specified in these Regulations, such application and accompanying maps, plans and other data shall be promptly referred to the Commission. It shall be the responsibility of the Zoning Officer/Administrator to coordinate the Commission's plan review process, to request additional information from the applicant on behalf of the Commission and to maintain the Commission's record of actions and decisions under these Regulations.

52.5 PRIOR APPROVALS: It shall be the sole responsibility of the applicant to determine what additional local, state and/or federal approvals are necessary in conjunction with the proposed activity. The Commission and/or the Town staff assumes no responsibility for the determination of need, or the failure to obtain such approvals. Such prior approvals shall include, but not be limited to [where applicable]:

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52.5.1.1 Inland Wetland and Watercourses approval

52.5.1.2 D.E.P. approvals

52.5.1.3 Regional Water Company approval

52.5.1.4 F.A.A. [Federal Aviation Administration] approval

52.5.1.5 Regional Health District approval

52.5.1.6 W.P.C.A. [Water Pollution Control] approval

52.5.1.7 Zoning Board of Appeals [variances] approval

52.5.1.8 Town Engineer [grading, drainage, sewer design] approval

52.5.1.9 State D.O.T. [Department of Transportation] and S.T.C. [State Traffic Control] approval

52.5.1.10 Sedimentation and Erosion Control Plan approval

52.5.1 Endorsement: All such required approvals shall be duly noted on the final, approved plan of record; including any separate engineering, sediment and erosion control and/or building plan as applicable. Any such plan should include the date of the particular approval and the identification of the approving official, as applicable.

52.6 APPROVAL and ISSUANCE: The Zoning Enforcement Officer/Administrator and/or duly authorized deputy shall approve and issue a zoning permit and/or a certificate of zoning compliance for the use or occupancy of any land, building or structure in accordance with the provisions of section 52.1 and, when it has been determined that all of the requirements of these Regulations have been met. No zoning permit and/or certificate of zoning compliance shall be considered issued unless it is signed by the Zoning Enforcement Officer/Administrator or authorized Deputy. Within ten [10] days after notification by the applicant that the premises are ready for occupancy, the Zoning Official shall issue or deny the certificate of zoning compliance. The following additional requirements shall apply to the issuance of zoning permits and/or certificates:

52.6.1 Staking: In instances of new construction the Zoning Officer/Administrator may delay issuing a zoning permit until the applicant has accurately placed stakes or markers on the subject lot, indicating the location of the proposed construction. Said official may further require the applicant to place stakes or markers on the lot, indicating the location of one or more of the lot lines. Said official may further require the placement of stakes or markers to be made and certified by a licensed land surveyor.

52.6.2 Measurement[s] Verification: Prior to the commencement of construction above the foundation, the applicant may be required to submit a certified "as-built" plan to the zoning official within fourteen [14] days after the completion of foundation footings, columns, piers or walls for verification of setbacks for any new, detached building or structure on a lot.

By request of the applicant, and concurrence by the zoning official, the required "as

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built" submission may be deferred and required prior to the issuance of a certificate of zoning compliance.

52.6.3 Inland Wetland: No Zoning Permit shall be issued until such time as the Inland Wetland and Watercourse Commission, has approved any necessary permits, or has indicated that a permit from that agency is not necessary and/or required.

52.6.4 Other Permits: The issuance of a Zoning Permit and/or a Certificate of Zoning Compliance shall not be construed to constitute compliance with any other regulation, ordinance or law; nor to relieve the applicant from his/her responsibility to obtain any permit thereunder. The zoning official is authorized to withhold issuance of a zoning permit and/or compliance certificate until any such known permit has been applied for, approved and obtained by the applicant.

52.7 ZONING PERMIT, TIME LIMITS and RENEWALS: A zoning permit issued, shall terminate and become null and void one [1] year from the date of issuance unless the use or work authorized by said permit has been established and a zoning permit has been issued.

52.8 INSPECTIONS: The Zoning Enforcement Officer and/or a duly authorized Deputy is authorized to inspect, or cause to be inspected, any building, structure or premises to determine compliance with these Regulations. No zoning permit and no certificate of zoning compliance shall be issued until such time as the Zoning Officer has determined the building, structure or premises and use thereof conforms to these Regulations.

52.9 ORDERS: The Zoning Enforcement Officer and/or a duly authorized Deputy may revoke any Zoning Permit in case of any false statement and/or representation of fact on the application, maps, plans or statements of intended use on which said permit was based.

Said Zoning Enforcement Officer/Deputy may further issue orders to "Stop Work" if the use of land, buildings and other structures, or the construction, re-construction, extension, enlargement, moving or structural alteration of a building or other structure is not being carried out in compliance with these Regulations; the aforesaid Zoning Enforcement Officer/Deputy shall withdraw such Order when there is compliance with these Regulations. The Zoning Enforcement Officer/Deputy is authorized to order, in writing, the remedying of any condition found to be in violation of these Regulations.

52.10 TEMPORARY CERTIFICATE: Upon certification by the applicant that the public health and safety will not be impaired, and there will be compliance with all other laws pertaining to health and safety, the Zoning Enforcement Officer may issue a Temporary Certificate of Zoning Compliance having a duration of not more than 4 months, and renewable for only one additional 4 month period for the temporary use of land, buildings and other structures.

52.11 RECORDS: The Zoning Enforcement Officer shall keep records of all fees, all applications, zoning permits and certificates, all written complaints of any violation of these Regulations, all inspections made under these Regulations and all notices of violation served and the action taken thereon.

52.12 VIOLATIONS and PENALTIES: Any person, firm, corporation or any other entity who shall violate any provisions of these regulations shall be subject to the prosecution and penalties in accordance with the General Statutes of the State of Connecticut, Chapter 124, Section 8-12; as may, from time to time, be amended.

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The proper authorities of the Town of East Haven or any person, firm, corporation or other entity may institute any appropriate action or proceedings to enforce, enjoin, correct or abate any violation of these Regulations, as may be authorized by Law.

52.13 ADMINISTRATIVE POLICIES and PROCEDURES: The Commission may, from time to time, by resolution, adopt certain administrative rules, policies and procedures for the administration and enforcement of these Regulations; including, but not limited to:

52.13.1 Administrative zoning forms and notices

52.13.2 Procedures to be followed and reports and notices to be issued by the Zoning Office; and

52.13.3 Detailed design criteria to guide in the preparation and review of Site Plans.

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Section 53: ADMINISTRATIVE POLICIES and PROCEDURES

53.1 ADMINISTRATIVE POLICIES and PROCEDURES: The Commission may, from time to time, by resolution, adopt administrative rules, policies and procedures for the administration and enforcement of these regulations. These administrative rules, policies and/or procedures include {but are not limited to} the following:

53.1.1 The creation of administrative forms for various zoning procedures {zone changes, site plan applications, etc.} and methods of property posting notices and complaint forms to improve the day-to-day operation of the planning and zoning department…and;

53.1.2 Establish the procedures to be followed, and the reports and notices to be issued by the zoning administrator, zoning enforcement officer, deputy zoning enforcement officer and the zoning office staff…and;

53.1.3 Establish detailed design criteria to guide the preparation and review of Site Development Plans.

53.2 ESTABLISHMENT of FEE SCHEDULE:

53.2.1 The Commission shall be empowered to establish fees for the various application procedures and/or advertising costs which, upon adoption, shall become a part of these regulations, and detailed in SECTION 58 of these Regulations.

53.2.2 The Commission shall be further empowered to, from time to time, revise the fees for the various zoning applications, and/or advertising fees or costs; which, upon adoption shall become a part of these Regulations, and detailed in SECTION 58 of these Regulations.

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SECTION 54: ENFORCEMENT and PENALTIES

54.1 These Regulations shall be enforced by the Zoning Enforcement Officer and/or duly authorized Deputy who is hereby authorized by the Commission to cause any building, structure, place, premises, or use to be inspected and/or examined; and to order, in writing, the remedying of any condition or use found to exist that is in violation of any provision of these Regulations. Procedure and associated penalties for violations of these Regulations is set forth in Chapter 124, section 8-12, of the Connecticut General Statutes.

54.2 VIOLATIONS and PENALTIES:

54.2.1 General: Any person or corporation as owner, lessee, tenant, architect, contractor, landscaper or builder or any agent and/or employee of any of them who violates, or is an accessory to the violation of any provision of these Regulations, or who erects, constructs, alters, enlarges, converts, moves any building or structure or any part thereof, without a properly issued zoning or building permit; or in violation of any statement or plans that are submitted an approved under the provisions of these Regulations; or who uses any building, structure or land in violation of any provisions of these Regulations, or in violation of any zoning and/or building permit or certificate of use and occupancy and who fails to abate said violation within the time period specified on a Violation Notice/Order to Abate, Stop Work Order and/or an order to Cease and Desist, after written notice by certified mail or personal service to do so shall be liable to a penalty and/or monetary fines as stipulated under section 8-12 of the Connecticut General Statutes, entitled: "Penalties when Regulations are Violated"

Nothing in these Regulations shall be construed as depriving the Town or any official charged with the enforcement of these Regulations to:

54.2.1.1 Apply for an injunction to prevent any violation of these Regulations, and/or

54.2.1.2 To affix a violation lien on the property where a violation continues to exist after a legal order to abate said violation has been issued, and/or

54.2.1.3 Refuse to issue a zoning permit, certificate of zoning compliance and/or a certificate of use and occupancy for any building and/or structure and/or property where a documented violation exists; and/or

54.2.1.4 The right to employ any other legal method and/or remedy to assist in re-establishing zoning compliance of any building, structure and/or use.

54.2.2 Appeal of Penalties: Any penalty imposed for a Zoning Violation may be appealed to the Zoning Board of Appeals for an decision regarding the alleged violation and/or the subsequent fine or fines. Said appeal must be filed, in writing, within seven [7] days of the formal, written notification of the violation. Only after filing for an appeal and decision by the Zoning Board of Appeals will any potential penalties be stayed until a Zoning Board of Appeals decision is reached.

54.3 STRUCTURES that require a VARIANCE: Any person or corporation, whether as owner, lessee, tenant, architect, contractor or builder and/or any agent or employee of any of them who shall erect, construct, alter, enlarge, convert or move and building or structure or any part thereof, or who changes, alters, increases or moves any use that is non-conforming

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and/or prohibited in the zoning district without benefit of a variance from the Zoning Board of Appeals to legally do so shall be liable for a penalty of not more than $ 250.00 per day, per violation. The exact amount of penalty for each violation, each day and recovery associated costs, shall be set by the East Haven Zoning Board of Appeals; payable to the Town of East Haven; and no zoning permit shall be issued until such time as all imposed penalties and associated costs are paid in full.

544 **UNAUTHORIZED CHANGES to APPROVED PLANS**: Any person or corporation, whether as an owner, lessee, tenant, architect, contractor, or builder, or the agent or employee of any of them who modifies any approved site plan and/or approved use; or who shall erect, construct, alter, enlarge, convert or move any building or structure, or any part thereof; or who eliminates or adds outside parking or storage space without the approval of the Planning and Zoning Commission and/or its staff prior to making said changes shall be liable for a penalty of not more than $250.00 per day, payable to the Town of East Haven. Said penalties and associated costs shall be recovered, in full.

The exact amount of penalties for each violation shall be determined by the Planning and Zoning Commission and no Site Plan Modification Approval shall be issued until all imposed fines, penalties and associated costs are recovered in full. If the Planning and Zoning Commission and/or it's staff find that substantial unauthorized changes have occurred, they may declared the previously approved plans null and void and proceed in accordance with section 8-12 of the Connecticut General Statutes. No certificate of use and occupancy will be issued in stances where previously approved Site Plans have been declared null and void.

Any appeal of an order, fine and/or penalty imposed or ordered by the Planning and Zoning Commission shall proceed along the guidelines of section 52.2.2 of these Regulations.

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SECTION 56: NOTIFICATION

56.1 **PURPOSE:** The purpose of this notification procedure is to alert those property owners abutting a subject property of certain types of applications before the Planning and Zoning Commission in order that these abutting owners may have an opportunity to review the proposal and make their concerns and/or views known to the Commission in a Public Hearing forum.

56.2 **APPLICANT RESPONSIBLE FOR CERTAIN NOTIFICATIONS**: Notwithstanding any other applicable Sections of the Regulations, or Notification procedures governed by the Connecticut General Statutes; the applicant shall bear the responsibility for notifying at least one owner of record, as indicated on the most recent Grand List on file with the Town Assessor's Office, of property that is situated, either whole or in part, with the prescribed distance for notification for certain applications.

56.3 **PROCEDURES THAT REQUIRE APPLICANT[s] NOTIFICATION**: For the purpose of this Section, the applicant shall be responsible for notifying at least one owner of record of any property that falls, either totally or in part, within the prescribed distance for certain applications to be decided on by the Planning and Zoning Commission. These particular procedural applications are:

56.3.1 Zone Change Applications

56.3.2 Temporary Special Exception [for the extraction or insertion of topsoil, sand and/or gravel]

56.3.3 Special Exception

56.3.4 Public hearings for Site Plan and/or Site Plan Modification Applications [only instances when the Commission decides to conduct a Public Hearing on the proposal]

56.4 **REQUIRED DISTANCES FOR NOTIFICATIONS:** Any applicant having one of the applications listed below before the East Haven Planning and Zoning Commission shall be required to make notification of all property owner[s] within the prescribed distance from all property lines of the subject site:

56.4.1 **Proposed Zone [map] Change:** The applicant shall notify all property owners within 500 feet of all property lines of the subject site.

56.4.2 **Proposed Temporary Special Exception:** The applicant shall be responsible for the notification of the property owners within 100 feet of all property lines of the subject site.

56.4.3 **Proposed Special Exception:** The applicant shall be responsible for the notification of all the property owners within 100 feet of all property lines of the subject site.

56.4.4 **Proposed Site Plan and/or Modified Site Plans Scheduled for Public Hearing:** The applicant shall be responsible for the notification of all of the property owners within 100 feet of all property lines of the subject site.

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56.5 NOTIFICATION of PROPERTY OWNERS---TIMING: Any petitioner requesting any amendment requiring notification shall mail notice of the pending public hearing, not more than fifteen [15], but not less than ten [10] days prior to the date set for said public hearing. The text of said notice shall be the Public Hearing Notice provided by the Commission.

56.6 EVIDENCE of NOTIFICATION: Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing shall be submitted to the Commission together with a duplicate list of all property owners within the notification area not less than five [5] days prior to the Public Hearing date.

56.6.1 Failure to Comply with Procedures: Any failure to comply with the procedures set forth in this section shall be deemed a valid reason for a denial of the petition; but shall not result in an automatic denial as the Commission may evaluate the severity of the Violation and act accordingly.

56.7 JOINT and/or CONDOMINIUM OWNERSHIP: For the purpose of this Section, properties held in joint ownership or notification to a condominium association officer or director; a corporate officer, a partner or other persons having a partial ownership fee interest shall be considered adequate notification to all co-owners or parties in interest.

56.8 ADEQUACY of NOTIFICATION: The written notification[s] requirements set forth in this Section are in addition to, and beyond the Statutory mandated "public notice requirements" and, as such the Commission shall be the sole judge of the adequacy of the notification, incorrect address or the inadvertent failure of a property owner to be duly notified. In addition, any deficiency, whether perceived or real in the notification procedure shall not be construed as grounds for an automatic invalidation of the decision of the Commission on said petition and shall not be considered jurisdictional.

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SECTION 57: FEES

57.1 PURPOSE: The purpose of this Section is to establish certain fees for the processing of Land Use applications as is authorized under Section 8-1c of the General Statutes for the State of Connecticut.

57.2 FEE SCHEDULE: That upon the submission of any application and/or petition listed in the appendix to these Regulations. The prescribed fees shall be paid to the Town of East Haven:

APPLICATION FEES
(EFFECTIVE MAY 17, 2010)

APPLICATION/PERMIT TYPE	CORRESPONDING FEE
ZONING PERMIT	$30.00
ZONING PERMIT (SIGN)	$30.00
ZONING PERMIT (TEMPORARY)	$30.00
ZONING PERMIT (USE AND/OR OCCUPANCY)	$30.00
VARIANCE: RESIDENTIAL, 1 & 2 FAMILY	$130.00
VARIANCE: COMMERCIAL, MULTI-FAMILY, LOT SPLIT	$230.00
SITE PLAN/MODIFIED SITE PLAN (PLUS $25.00 PER EACH 1,000 SQ FT OF BUILDING) (PLUS $5.00 PER PARKING SPACE)	$180.00
SUBDIVISION: (PLUS $40.00 FOR EACH CREATED LOT)	$280.00
RE-SUBDIVISION: (PLUS $40.00 FOR EACH CREATED LOT) (PLUS $250.00 ADVERTISING FEE)	$280.00
ZONE CHANGE/TEXT CHANGE: (PLUS $250.00 PER ADVERTISING FEE)	$530.00
ZONE CHANGE TO PLANNED DEVELOPMENT DISTRICT (PDD) OR PLANNED ELDERLY (PEFD) OR TECH PARK/ ECONOMICDEVELOPMENT DISTRICT (TPEDD) (PLUS $250.00 ADVERTISING FEE)	$780.00
SPECIAL EXCEPTION: (PLUS $250.00 ADVERTISING FEE)	$380.00
TEMPORARY SPECIAL EXCEPTION: (PLUS $250.00 ADVERTISING FEE) (PLUS $2.00 PER CUBIC YDS INSPECTION FEE)	$380.00
SPECIAL EXCEPTION-ELDERLY ASSISTED LIVING: CONCEPTUAL PLAN FEE: (PLUS $250.00 ADVERTISING FEE)	$380.00

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FINAL DETAILED PLAN FEE: (PLUS $5.00 PER BED OR UNIT)	$280.00
COPY ZONING REGULATIONS	$40.00
COPY ZONING MAP	$15.00
COPY SUBDIVISION REGULATIONS	$30.00
INDIVIDUAL DOCUMENT COPIES	$1.00
ZONING CERTIFICATION LETTER (5 TO 7 WORKING DAYS)	$20.00

~~57.3~~ OTHER APPLICABLE FEES:

57.3.2 EXPERT REVIEW OF APPLICATION: The Commission may, at its discretion hire or engage outside experts to assist in its evaluation of any application for site plan approval or approval by special exception. The total costs for all outside expertise shall by borne by the applicant. The applicant shall be required to make an initial payment, the amount to be determined, for the hiring of these experts, prior ro its review of the application. This payment shall be considered as an integral component of the application, and the failure of the applicant to make this payment shall render the application incomplete. If the applicant fails to pay the fee within 30 days of receiving an invoice, the Commission may revoke approvals all approvals of the application and pursue all necessary action to receive payment.

~~57.3~~ **57.3.2** The Town of East Haven, Planning and Zoning Commission does duly authorize and impose certain fees, to be collected on behalf of the Town of East Haven for certain information, copies and the certification of certain facts and/or circumstances. The required fees for these items, copies, documents and/or maps shall be detailed within the appendix to these regulations.

57.4 CHANGE IN FEES: The Town of East Haven, Planning and Zoning Commission, is, from time to time, authorized to change or amend certain fees, fee schedules and/or application fees. Said changes shall be made by a Resolution of said Commission.

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SECTION 58: AMENDMENTS

58.1 **PURPOSE:** These Regulations, including the Zoning Map, which is a part thereof, may be amended by the Commission on it's own initiative, or when initiated by a petition. Any amendment to this text or map may be adopted only after due notice and a public hearing, as prescribed by the General Statutes of the State of Connecticut. Any petition for the amendment of these Regulation and/or Zoning Map shall follow the procedures set forth in this section.

58.2 **AUTHORITY:** The Planning and Zoning Commission may, from time to time, on it's own motion, adopt, amend or repeal the provisions and boundaries established by these regulations. However, no change in the Regulations, restrictions, or boundaries shall become effective until, and after notice of the intended change and a public hearing [as prescribed above] is held by the Commission, at which time, all parties in interest and citizens shall have an opportunity to be heard. Any change initiated by the Commission must adhere to the provisions of the CONNECTICUT GENERAL STATUTES; but shall not be bound by the requirements of this Section. Any Commission initiated and generated change is not bound by the timing requirements relative to the rendering of a decision.

58.3 **GENERAL:** Any person, firm, corporation or other entity desiring an amendment or change in the Zoning Regulations and/or the Zoning Map of the Town of East Haven may submit a petition, proposing such amendment or change to the Commission. Prior to the consideration of any such petition, the following requirements shall be met, and the following information shall be submitted.

58.4 **PETITION for AMENDMENT:** All proceedings to change the zoning boundaries or the zoning text of these Regulations, including any change in punctuation or wording, shall be instituted by petition in writing to, and in a form prescribed by, the East Haven Planning and Zoning Commission. Petitions shall be signed by the petitioner, and shall be considered in accordance with any procedures adopted by the Commission and amended from time to time.

58.4.1 **Proposed Zoning Text Changes:** The petition shall precisely set forth the existing provisions, the specific provisions to be changed and the provisions to be substituted, deleted or added to the Regulations. Fifteen [15] copies of the proposed text shall be submitted.

58.4.2 **Proposed Zoning Map Changes:** All petitions regarding changes to the Zoning Map shall include the following:

58.4.2.1 Six [6] copies of a map, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change and all areas of the Town within 500 feet of the proposed change; and showing for such area the existing and proposed zoning district boundary lines, the existing property lines, the Assessor's Map, Block and Parcel number for each lot, and the names of the current property owners as indicated in the East Haven Assessor's records.

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58.4.2.2 Six [6] copies of a map, drawn to a scale of not less than 200 feet to the inch, covering the area of the proposed change; and showing for such area, the "existing conditions"; including property lines, zoning boundary lines, high tide lines, land uses, areas of tidal and/or inland wetlands, water bodies, water courses, flood boundary lines and contours at an interval not to exceed five [5] feet.

58.4.2.3 Two [2] copies of a "metes and bounds" description of the property area proposed to be changed.

58.4.3 **Petition Fee:** A petition fee in the amount[s] specified in Section 57 plus any supplemental fees intended to cover the cost of legal notices; stenographic services, etc. as may be established by the Commission.

58.4.4 **Statement of Explanation:** All petitions shall be accompanied by fifteen [15] copies of a statement fully explaining the need for the proposed amendment, it's consistency with the Plan of Development, and the overall zoning plan for the Town of East Haven, and identifying any benefits the proposal will have to the Town.

58.4.5 **Additional Information:** The Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these Regulations.

58.5 **REGIONAL & MUNICIPAL REFERRALS:** Any proposed change of zone, or regulation affecting the use of land within 500 feet of a Town Line shall be referred by the Commission to the South Central Regional Planning Agency in accordance with Section 8-3b of the Connecticut General Statutes.

Any proposed change of zone or regulation affecting or impacting an adjoining municipality shall be referred by the Commission to the Clerk of the adjoining municipality, in accordance with Section 8-3h of the Connecticut General Statutes.

Any proposed change of zone or regulation affecting the coastal area shall be referred to the Commissioner, Department of Environmental Protection, in accordance with Section 22a-103 of the Connecticut General Statutes.

58.65 POSTING of "NOTICE of PUBLIC HEARING" SIGNS: The petitioner requesting amendment of the Zoning Map shall be required to post a sign, agreeable to the Commission, on the property seeking to be changed in such a manner as to be visible and legible to passersby on the principal street at the affected property. Such sign, provided by the Commission, shall state the date, time and location of the Public Hearing; the change of zone that is being requested, and said sign shall be in evidence for the continuous period of ten [10] days preceding the public hearing.

58.7 **NOTIFICATION OF AFFECTED and ADJACENT PROPERTY OWNERS:** The petitioner requesting an amendment to the zoning map shall be responsible for the notification of a least one owner of record , as indicated on the most recent Grand List on file in the Town Assessor's records of each property, or portion of property situated at or within adistance of the proposed change, as prescribed in SECTION 56 of these Regulations, not more than fifteen [15] days, but not less than ten [10] days prior to the date set for the Public Hearing. The text of this notice shall be identical in content to the Public Hearing Notice provided by the Commission.

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58.7.1 Evidence of Proper Notification: Evidence of such mailings, in the form of a U.S. Postal Office Certificates of Mailing shall be submitted to the Commission, together with a duplicate list of all the property owners within the "notification area" not less than five [5] days prior to the public hearing date.

58.7.2 Failure to Comply with Notification Procedure: Failure to comply with any portion of SECTION 58.7.1 shall be deemed a valid basis for the denial of the petition; but shall not result in an "automatic denial", but rather shall become a Commission decision based on the severity of the non-compliance with the provisions of SECTION 58.7.1

58.8 EFFECTIVE DATE: Any amendments to the Zoning Regulations and/or Zoning Map shall become effective at such time as may be fixed by the Commission, pursuant to Section 8-3 of the Connecticut General Statutes; provided that both a copy of such amendment, boundary or change shall be filed with the Town Clerk, and a notice of the decision of the Commission shall have been published on a date prior to the effective date.

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SECTION 59: VALIDITY/EFFECTIVE DATE and REPEAL

59.1 **VALIDITY:** If any provision of these Regulations is adjudged by a Court of competent jurisdiction to be invalid, the effect of such decision shall be limited only to the provision expressly stated in said Court decision to be invalid; and all other provisions of these Regulations shall continue to be valid and fully effective.

If any provision of these Regulations is adjudged by a Court of competent jurisdiction to be invalid as such provision applies to a particular building, other structure or lot, the effect of such decision shall be limited solely to the particular building, structure or lot, and the general application of such provision to other buildings, structures or lots shall not be affected by said decision.

59.2 **EFFECTIVE DATE:** These Regulations, and any and all amendment[s] or change[s] hereto shall be in full force and effect from the date established by the Planning and Zoning Commission, in accordance with the General Statutes of the State of Connecticut

59.3 **REPEAL:** The Zoning Regulations of the Town of East Haven, adopted and currently in effect are REPEALED, coincident with the effective date of these Regulations and all amendments thereto, shall not affect the status of any personnel; and shall not affect or impair any act done, offense committed or right accruing, accrued or acquired; or any liability, penalty forfeiture or punishment incurred prior to the time such repeal took place; but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal had not been effected.

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