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TOWN OF STAFFORD – ZONING REGULATIONS

Reorganized and Revised April 13, 2017



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Article I Introduction

1.1 Statement of Purpose:

Pursuant to the authority granted by Chapter 124 of the General Statutes of the State of Connecticut, as amended, and in order to promote the health, safety, and general welfare of the residents of the Town of Stafford; to secure safety from fire, panic, and other dangers; to provide adequate light, and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, and other requirements; to avoid congestion in the streets; to encourage the most appropriate use of land throughout the Town: now therefore, the Planning and Zoning Commission of the Town of Stafford hereby adopts the following Zoning Regulations.

1.2 Zoning Map Establishment:

The boundaries of the zoning districts described in Section 2.20 are shown on a map entitled “Town of Stafford Official Zoning Map” dated July 2010 and filed in the office of the Town Clerk. The map described and any amendments thereto are hereby made part of these Regulations.

1.3 Interpretation of Zoning Boundaries:

Unless otherwise indicated on the Official Zoning Map, the boundary lines of the zoning districts are: the center line of streets, or the middle of the channel of waterways, or the center line of utility rights-of-way, or the boundary lines of state forest, parks, or reservations, or the center line of main tracks of railroad lines. Where the zoning district boundary is a contour line, the line shall be designated on the Official Zoning Map by its elevation in feet above mean sea level using U.S. Geological Survey datum. Where a zoning district boundary is shown parallel to a street, such a boundary shall be interpreted as running parallel to the nearest street line and at such a distance thereon as indicated on the official Zoning Map. If appropriate distance is not indicated, such a distance shall be as follows measured at right angle from the center line of the street right-of-way.

- 750 feet for rural and single-family residence district AAA
- 300 feet for residence districts AA and A
- 300 feet for residence district B
- 500 feet for residence district C
- 250 feet for local business district LB
- 250 feet for highway business district HB

- 300 feet for industrial district IN
- 300 feet for highway industrial district

Where a lot of record falls into two or more zoning districts, any use allowed in either district shall be permitted on the lot; but in no case shall the uses allowed in one district but prohibited in the other be extended more than thirty (30) feet into the district prohibiting such uses.

In case of uncertainty as to the location of any district boundary line, the determination thereof shall be made by the Commission.

1.4 Establishment of Zoning Districts:

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

A. Residence districts:

- AAA — Rural and single-family residence
- AA — Single-family
- A — Single family residence
- B — General residence
- C — General residence

B. Commercial districts:

- LB — Local Business
- HB — Highway Business
- CB — Central Business

C. Industrial districts:

- IN — Industrial districts
- HI – Highway Industrial

D. Miscellaneous districts:

- WM — Water Management
- OS — Open Space
- WL – Work/Live Floating Zone District. The district is created but has no established boundaries. Such WL district, at the Commission’s discretion through the zone change process, may be established anywhere within the Town. (Effective 12/15/04)
- VOD — Village Overlay District

1.5 Conformance with Regulations:

Except as hereinafter specified, no land, building, or premises, or part thereof shall hereafter be used and no building, or part thereof, or other structure shall be constructed, reconstructed, extended, enlarged, moved, or altered except in conformity with the regulations herein prescribed for the zone in that it is located.

Article II Interpretation

2.1 Definitions

Abut, Abutting: Having a common boundary.

Accessory Building, or Use: A building, or use customarily incidental to the principal building, or to the principal use of the land. Except in the case of barns or sheds used for the indoor storage of agricultural products, or equipment, any accessory building, or use shall be located on the same lot under the same ownership. *Effective 11/15/03* accessory uses located in building housing the principal use are limited to 25% of the floor area of the building.

Adjacent: Near, close by. The term “adjacent” includes the meaning of the terms *abut* and *adjoin* as defined; however, it is not intended to imply any definite distance or boundary.

Adjoin, Adjoining: Having a common boundary with or without the intervention of a street. Thus the term *adjoin* includes the meaning of the term *abut* as defined.

Adult Bookstore: An establishment that has a substantial, or significant portion of its stock-in-trade, books, magazines, newspapers, films, audio and video tapes, devices, slides, or other photographic, written, or audio material for rent, or sale, that might be considered "obscene as to minors" as defined in Connecticut State Statute Section 53a-193 of the Connecticut General Statutes.

Age-Restricted Housing Developments: A residential community restricted to residents aged 55 and over, their spouses, and children at least 18 years old. (Effective 6/11/08)

Agriculture – Commercial: Any place at that trees, plants, shrubs, vines, or flowers are propagated, grown, harvested, stored, or prepared for commercial purposes.

Agriculture – Non-commercial: The cultivation of the soil for the production of crops for non-commercial home consumption.

Agriculture – Animal Commercial: Animals including but not limited to horses, cattle, swine, sheep, goats, rabbits, poultry, fowl, dogs, cats, bees, fish, and furbearing animals that are bred, raised, or kept for commercial purposes.

Agriculture – Animal Non-commercial: Farm animals bred, raised, or kept for pets for non-commercial purposes including horses, cattle, swine, sheep, goats, rabbits, poultry and fowl, bees, and fish but excluding common household pets such as, but not limited to, cats and dogs.

Amusement Arcade: A facility that primarily contains amusement devices. (Effective 11/15/03)

Amusement Devices: Game devises intended for entertainment purposes, including, but not limited to, pool tables, electronic devices, or video devices. (Effective 11/15/03)

Animal Enclosure: A fence, or other method, used to contain livestock and other domestic animals within a predetermined outdoor area, excluding common house hold pets such as dogs and cats.

Apartment: An apartment is a segregated portion of a dwelling that is provided with bathroom and toilet facilities and with kitchen facilities in a kitchen or kitchen alcove.

Apartment House: An apartment house is a building arranged, intended, or designed to be occupied by three, or more families living independently of each other and doing their cooking upon the premises, or by three or more individuals, or groups of individuals living independently but having a common heating system and general dining room.

Barn: A building for storing hay, grain, etc., and often for housing livestock. (Effective 2/15/95)

Basement: The lowest story of a building below the main floor and wholly or partly below the average level of the ground surrounding the building or structure.

Bed and Breakfast: An owner-occupied one-family detached building in that food and lodging may be provided to overnight paying guests. The provision of such services is subordinate to the principal use of the building as a residence.

Boarding House: Same as a *rooming house* except that meals are normally served to lodgers.

Building: Any structure having a roof and intended for the shelter, housing, or enclosures of persons, animals, or materials. Any other structure more than eight feet high shall be considered as a building, including a fence, or wall, excluding a public utility pole, or a flagpole.

Building Coverage: That percentage of total lot area covered by the combined area of all buildings on the lot.

Building Height: The vertical distance from the finished grade at any point under consideration to the highest point of flat, or mansard roofs, or to the mean level between the eave and the ridge for gable, hip, or gambrel roofs. Chimneys, spires, towers, and similar projections not intended for human occupancy shall not be included in the height, provided that any such projection does not have an aggregate area greater than 25% of the roof area.

Building Line: A line parallel to a street at a distance equal to the required front yard or at a greater distance when otherwise established by the Town of Stafford or when established by the owner and recorded in the land records of the Town of Stafford.

Building, Main: A building in that is conducted the main or principal use of the lot on that said building is situated.

Building Permit: A permit issued by the Building Inspector upon application, certifying that a proposed structure, or any extension, or structural alteration thereof, conforms with the requirements of the Building Code and all other regulations, or codes that are specified in the building permit.

Cabin: A building having a design or character suitable for seasonal or temporary living purposes.

Cafe: As defined by the State of Connecticut Liquor Control Commission. (Effective 2/15/95)

Camp: An area of land under the same ownership on that is located a cabin or other shelter suitable for seasonal or temporary living purposes.

Camper: See *Recreational vehicle*.

Camping Area: Any area devoted to camping by means of tents, camp trailers (either self-propelled or without motor power), two-wheel tent trailers, or any other object used for camping where a charge is made to the camper for the use of the area on a limited basis. For the purpose of these regulations, *camping area* shall also include *boarding camp*.

Canopy: A roofed structure with open sides normally attached to and considered a part of a main building and observing all yard requirements.

Club: An organization catering exclusively to members and their guests, provided that the purpose of the club is not conducted primarily for gain and that there are not conducted any commercial activities except as required generally for the membership and purposes of this club.

Commission: The Planning and Zoning Commission of the Town of Stafford.

Common Driveway: A driveway that provides access to two (2) or more lots. (Effective 11/15/03)

Congregate Housing: A multi-family elderly and/or handicapped facility in that residents have their own apartments and share meals in a central dining room. Other services may also be provided that help residents maintain their independence.

Convalescent Home: A home for the aged, or any establishment, other than hospitals, where three or more persons suffering from, or afflicted with, or convalescing from any infirmity, disease, or ailment are habitually kept, boarded, or housed for remuneration.

Court: A horizontal open space, other than a yard, on the same lot with a building, that is bounded on two or more sides by opposite walls of one or more buildings.

Cutting: The cutting or removal of forest tree species on a lot for the purpose of preparing a site for the construction of a building or other structure.

Cutting Plan: A plan showing the existing mix of forest trees, their approximate height, age, and density; a description of the cutting or removal activities to be undertaken and any other information that may be necessary and reasonably required.

Drive through facilities: An establishment that distributes goods and services directly to consumers within their vehicle. (Effective 4/1/06)

Dwelling: A building used exclusively as living quarters for one or more families. (Effective 2/15/95) The terms *dwelling*, *attached dwelling*, *detached dwelling*, and *dwelling unit* shall not be deemed to include hotel, motel, boarding, rooming house, convalescent or nursing home, trailer, tourist home, or tent. In the case of buildings having two or more portions divided by party walls forming a complete separation above the basement, each such portion shall be considered to be a separate dwelling.

Dwelling, attached: A dwelling having any portion of a wall in common with another dwelling.

Dwelling, detached: A dwelling with open spaces on all sides.

Dwelling, In-Law-Apartment: An accessory dwelling unit to a single-family home for an immediate family member.

Dwelling, multi-family: A dwelling containing more than two dwelling units.

Dwelling, one-family: A dwelling or portion thereof providing complete housekeeping facilities for one family only.

Dwelling Unit: A building or portion of a building used as living quarters for one family. (Effective 6/11/08)

Earth Removal: Commercial earth removal or mining operation for the purpose of excavation, processing, and/or blasting and removal of sand, gravel, stone, loam, dirt, or other earth products from the premises on a continuing basis; excluding bona fide farming operations who manufacture loam on site and permitted retail operations where products are delivered to and sold on the premises, retail only. (Effective 4/25/2007)

Family: One or more persons living together as a single non-profit housekeeping unit, including domestic servants and gratuitous guests.

Farm Commercial: A tract of land used for the raising of agricultural products, livestock, poultry, or dairy products including the necessary farm buildings, excluding the maintaining of dog kennels. (Effective 11/15/03) (REV. 9/28/10).

Farm Non-Commercial Residential: A tract of land for the raising of non commercial agricultural products, livestock, poultry or dairy products and noncommercial animal agriculture associated with the raising of domesticated farm animals as pets, excluding the and the maintaining of dog kennels. (Effective 9/28/10).

Garage: A building or place for sheltering, cleaning, or repairing motor vehicles. (Effective 2/15/95)

Grade, finished: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Grooming Facility: A commercial facility, other than a commercial kennel maintained for the purposes of grooming dogs and cats with no accommodations for overnight boarding of animals (Effective 12/19/2003) (Rev. 9/28/10)

Gross Floor Area: The sum of the horizontal area of all floors of a building, measured by exterior dimensions.

Ground Cover: A medium used in a confined area to check or prohibit the growth of undesirable plant materials. Ground cover may consist of plants such as pachysandra and myrtle or of materials such as white gravel, brick, or stone paving.

Group Care Facility: A supervised residence facility that houses persons who are handicapped, aged, or disabled, or in need of rehabilitation but are not acutely ill and are provided services to meet their needs. It does not include an institution as defined in Section 19-32 of the Connecticut General Statutes and required to be licensed pursuant to the provisions of Sections 19-32 to 19-42 of the Connecticut General Statutes.

Hedge: A hedge shall provide complete visual screening and consist of evergreens at least four (4) feet in height at the time of planting, and it shall be maintained at a height of at least six (6) feet.

Home for the Aged: An establishment other than a hospital that furnishes for remuneration food, shelter, laundry, and other non-medical services to three or more persons over the age of sixty (60) years.

Home Occupation: Customary home occupation for gain carried on entirely within the dwelling by residents thereof and requiring only customary home equipment, provided the use: 1) is clearly incidental to the use of the dwelling for dwelling purposes; 2) does not change the residential character of the dwelling in any visible manner; 3) does not create objectionable noise, odor, vibrations, or unsightly conditions noticeable off the premises; 4) does not create interference with radio and television reception in the vicinity; 5) does not create a health or safety hazard; 6) does not employ a non-resident help for that purpose; 7) no trading in merchandise is carried on; 8) no external or internal alterations, or construction features not customarily found in a home are required. Such use shall be confined to not more than 25% of the livable floor area of the dwelling or to space in an outbuilding no larger than 25% of the ground floor area of the dwelling.

Hotel: A building or group of buildings providing lodging for persons, with or without meals, and intended, designed, and used primarily for the accommodations of transients. The term *hotel* shall be deemed to include the terms *motel*, *motor inn*, and *inn*.

Immediate Family: Spouse, mother, father, mother-in-law, father-in-law, daughter, son, sister, or brother.

In-Law Apartment: An apartment accessory to an owner-occupied single family dwelling to be occupied by a parent, grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, child, or child-in-law.

Junk Yard: Any place in or on that is stored or deposited old material. This includes glass, paper, metal, cordage, scrap, or other waste, or second-hand or unused substances, any material that has been or was intended to be a part of any fabricated object or of any vehicle or of any form of conveyance of any kind or description.

Kennel: The keeping of five (5) or fewer dogs as exempt under section 7.3 of these regulations. (Rev. 9/28/10)

Kennel, Commercial: A kennel maintained for boarding or grooming dogs or cats, and includes, but is not limited to, any veterinary hospital that boards or grooms dogs or cats for non-medical purposes. (Effective 12/19/2003) (Rev. 9/29/20)

Kennel Non-commercial: Six (6) or more dogs over the age of six (6) months kept under one ownership at a single location and bred for show, sport, or sale. Any owner or breeder who breeds more than two litters of dogs annually shall apply to the Town Clerk for a kennel license. (Effective 12/19/2003) (Rev. 9/28/10)

Landscaping, Landscaped: The term *landscaped* or *landscaping* shall mean that an area be at least covered with grass or ground cover. Any additional planting is either specifically required by the ordinance or left to the discretion of the property owner.

Lawn Care Business: Business dealing with the maintenance of lawns to include grass cutting, leaf removal, pruning, mulching, and planting of trees, shrubs, plants, and grass. For the purpose of these regulations, the locations of a lawn care business shall be the primary location of the storage of related lawn care equipment. (Effective 5/1/2000)

Livable Floor Area: The sum of the gross finished horizontal areas of each of several floors of a dwelling with structural head room of seven feet, six inches (7' 6") or more, provided with heat and suitable for year-round occupancy. Basement, attic, open or screened porch, breezeway, terrace, or other similar areas shall not be included in computing the minimum livable floor area.

Living Space: The total area within a unit designated for human habitation including, but not limited to, storage, closets, hallways, and bathrooms. Calculations for the unit are the sum of the unit's total area measured horizontally from its defining interior walls. (Effective 9/28/10)

Livestock: Shall mean domestic animals other than household pets including, but not limited to, horses, cows, goats, and sheep. (Rev. 9/28/10)

Lot: A plot or parcel of land occupied or capable of being occupied by one principal building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by these regulations. In the case of public, institutional, or commercial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

Lot Area: The required lot area shall be deemed to be the product of multiplying the average width of a lot by a lot depth not greater than three times such width, regardless of the depth of the lot.

Lot Corner: A lot having two adjacent sides facing a street or streets so that the interior angle of the intersection is not more than 120 degrees; also a lot having two adjacent sides

forming tangents of a curve with an inside radius greater than fifty (50) feet, all of that face a street or streets.

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In determining the required depth of a lot, any portion of said lot that is in excess of the minimum lot area need not be included.

Lot Frontage is the distance between lot sidelines measured along the street line. In the case of lots having frontage on or adjacent to a street curve, required lot frontage may be measured at the building line on such lots.

Lot Line: The property lines bounding a lot as defined herein.

Lot Line, front: In the case of a lot abutting upon only one street, the line separating the lot from the street.

Lot line, rear: The lot line that is generally opposite the front lot line: If the rear lot line is less than ten (10) feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front line.

Lot Line, side: Any lot line that is not a front lot line or a rear lot line, as defined herein.

Lot, minimum width of: The distance between the side lot lines measured in a straight line at right angles to the mean direction of such side lot lines that line of measurement shall touch, but not be in front of, the building line.

Main Building: See *Building, main*.

Main Use: See *Use, main*.

Minor Landscaping: Less than one (1) acre of disturbed area, associated with construction, building alterations, or installation of subsurface utilities. (Effective 4/25/2007)

Mobile Home: A structure capable of being transported on wheels that is designed to permit permanent occupancy thereof as a dwelling for one or more persons.

Mobile Home Park: A tract of land where two or more mobile homes are parked or a tract of land that is used or intended for the purpose of supplying to the public parking spaces for two or more mobile homes.

Mobile Office: Similar to a mobile home except that such vehicle is not intended for dwelling purposes.

Non-conforming Building: A building that does not conform to all the applicable provisions of these regulations.

Non-conforming Use: A use of land, building, or premises that is not a use permitted by the provisions of these regulations for the district in that such land, building, or premises is situated.

Nursing Home: See definition of *Convalescent Home*.

Office: A room, set of rooms, or building where the business of a commercial or industrial organization or of a professional person is transacted. Absent “Special Approval” from the Planning & Zoning Commission, an office shall not contain residential amenities such as a full bath or full kitchen. (Effective 2-15-95)

Open Space: An unoccupied space open to the sky on the same lot as the building.

Opposite Wall: For the purpose of defining the term *court*, walls shall be deemed opposite wherever the walls are parallel, nearly parallel, or at angles of less than 90 degrees.

Owner of Record: Wherever the term *owner of record* is used in these regulations in conjunction with a public hearing or public notice, it shall mean the owner whose name is recorded in the Town Clerk’s office at the time when the mailing lists for said hearings and notices are prepared.

Parking Space: A reasonably level space, available for the parking of one (1) motor vehicle exclusive of passageways, driveways, and other means of circulation or access. Spaces shall be nine feet by eighteen feet (9’ x 18’) minimum.

Premises: That portion of a lot or structure or building actually in use for the specific purpose or use under consideration.

Recreational Vehicle: A vehicle that can be registered for highway use and that is capable of being occupied with sleeping and/or cooking accommodations, on a temporary basis and may or may not contain sanitary facilities.

Retail Sale: The sale of products to the general public in relatively small quantities for use or consumption as opposed to resale. For commercial agriculture, retail sale includes community-supported agriculture.

Rooming House: A dwelling, part of that is occupied by the owner or tenant of the building as his permanent residence, in that rooms are provided for compensation, to not more than three (3) persons. Supervised group quarters shall be considered a rooming house or a boarding house.

Screening Fence or Screening Wall: These are devices for complete visual screening. They shall be at least six (6) feet in height and three-quarters ($\frac{3}{4}$) solid.

Sign is any device for advertisement and/or visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including the devices displayed up to three (3) feet behind windows and visible from outside the building, but not including any flag or insignia of any governmental organization.

Sign, ground is any sign affixed to the ground by its own support and/or foundation.

Sign, portable: Any sign used or intended to be used in various locations.

Sign Permit: Same as *Building Permit*.

Site Plan or Plot Plan: A plan of property drawn to scale with locations of structures, grading, paving, and other improvements indicated thereon.

Story: That portion of a building that is between the surface of a floor and the surface of the next floor above or, in its absence, the next ceiling above.

Street: Any way that is an existing town or state highway or any way shown on a recorded subdivision map duly approved by the Planning and Zoning Commission, or any map duly recorded and approved prior to the adoption of Subdivision Regulations.

Street Line: The line separating the street right-of-way from adjoining property, not the paved or traveled roadway.

Structure: Anything constructed or erected, including a building, the use of that requires location on or under the ground, or attachment to something having location on the ground, except fences, or walls.

Swimming Pool: Swimming pools include above ground swimming pools or in-ground swimming pools. Swimming pools shall be considered an accessory structure for purposes of compliance with district standards. (Effective 11/15/03)

Temporary Earth Removal Operation: An operation associated with landscaping or agricultural use where the disturbed area exceeds one (1) acre; excluding minor private residential landscaping of less than one half (1/2) acre not associated with a commercial operation. (Effective 4/25/2007)

Trailer: A vehicle without means of propulsion, which can be used for hauling or storing of materials or goods and is capable of being readily moved by a tractor or other vehicle.

Training Facility: Any place, other than a commercial kennel or grooming facility, that is maintained as a business where dogs are trained. (Effective 12/19/2003)

Trees, flowering: Trees such as Dogwood, Redbud, or Crabapple.

Trees, large: Deciduous shade trees such as Sugar Maple, Red Oak, or London Plane, and conifers such as White Pine, Austrian Pine, or Canadian Hemlock. Three-quarters (¾) of the required large trees shall be at least two and one-half to three inches (2½–3”) in caliper at the time of planting and one-quarter (¼) shall be at least four to four and one-half inches (4–4½”) in caliper at the time of planting.

Use, accessory: A use customarily incidental and subordinate to a main use and located on the same lot with such main use.

Use, main: The specific purpose for that land, water, or a structure is designed, arranged, or intended, or for that it is, or may be occupied, or maintained.

Visual Screening, complete: A type of screening that affords a year-round effect and through that the screened object is obscured.

Visual Screening, partial: A type of screening through that the screened object is partially visible.

Waiting Position: A space in a line of approach nine feet (9’) wide by twenty feet (20’) long.

Wholesale: The sale of products in large quantities to commercial purchasers for the subsequent retail sale of such products to the general public. Compare to “retail sale.”

Work/Live Zone: A zoning district for establishing and operating work/live occupancies as a primary commercial/industrial use, in that the proprietor would be allowed to reside as a secondary land use activity.

Yard: An open space on the same lot with a structure that lies between said structure and the nearest lot line and that is unoccupied except as may be specifically authorized in this regulation. In measuring a yard, as hereafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurement shall be taken at right angle from the line of the structure, as defined herein, to the nearest lot line.

Yard, front: A yard extending across the full width and/or length of the lot and lying between the front lot line and the nearest line of a structure.

Yard, rear: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building.

Yard, side: A yard between the sideline of a lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line as the case may be.

Zoning Permit: A permit issued by the Zoning Enforcement Officer upon application, certifying that a proposed land use or any extension or alteration thereof, conforms with requirements of the Zoning Regulations.

Article III.

General Regulation

3.1 Lot in Two Zones:

In the case of a lot of record lying in more than one district, the provision of the less restrictive district may be applied for a distance of not more than thirty (30) feet into a more restrictive district, provided that such lot has frontage on a street in the less restrictive district.

3.2 Lot of Record:

The lot frontage and lot area requirements of these regulations or amendments thereto shall not prevent construction of a permitted building or establishment of a permitted use on a lot that:

- A. Was owned and maintained separately from any adjoining land prior to April 2, 1972, as evidenced by deed recorded in the Stafford land records; or
- B. Was shown on a valid filed plan of subdivision, approved by the Commission after February 15, 1972;
- C. And provided that such lot in a) or b) above has its frontage on an improved public street and sanitary sewage disposal and a potable water supply can be assured without hazard to public health;
- D. And provided construction on such lot can meet all yard requirements.

Where two (2) or more nonconforming adjoining lots of record are in the same ownership, then such lots shall be combined to meet or more nearly meet, the lot area and lot frontage requirements of these regulations.

3.3 Change of Lot Area and of Lot Dimensions:

No lot shall be so reduced in area or changed in dimensions that any required yard or other open space will be smaller than prescribed by the Zoning Regulations.

3.4 One Main Building on a Lot:

No building containing a residential use shall be erected, altered or maintained in the rear of any building on the same lot, and no building shall be erected, enlarged or maintained in front of a residential building, except for agricultural purposes, as expressly limited in Section 3.16 hereafter.

3.5 Yards and Open Space for Every Building

- A. No lot shall be occupied for residential purposes unless it has the required frontage in the applicable zone on a public street.

- B. Except as specifically provided herein, no part of any yard, or other open space required about any building by the provisions of these regulations may be included as part of a yard, or other open space required for any other building.
- C. No building shall be erected within fifty (50) feet of any watercourse as shown on the official Stafford Flood Insurance Rate Maps. Measurements shall be made from the seasonal high water mark of any watercourse.

3.6 Obstruction in Yards:

No structures or projections from structures shall be permitted in any required yard except as follows:

- A. Minor projections of structures, such as window or door frames and sills, belt courses, cornices, or other architectural features may project no more than one (1) foot into any required yard.
- B. Major projections of structures such as chimneys, bay windows not longer than 25% of the wall from that they project, eaves, roofs over doorways, hatchways, areaways, and fire escapes may project not more than four (4) feet into any required yard, provided that they shall not be closer than four (4) feet to any lot line.
- C. Fences, in any residence district, shall not exceed six (6) feet in height above finished grade. Minor variations of less than one (1) foot in elevation of the adjoining finished grade shall not affect the measurements of height of such fence. Fences shall be erected so that the finished side faces abutting property if not used for agricultural purposes.
- D. No structure shall be erected between the building line and the street line, except a wall or fence not over four (4) feet in height and not more than one-half (1/2) solid and except signs as specified in Section 6.3 of these Regulations.
- E. In any rear yard, only accessory buildings shall be permitted, provided that they shall not occupy more than 25% of the required rear yard.
- F. An attached solar greenhouse or other passive solar facilities on the southerly side of the main structure may project up to ten (10) feet into a required yard if added to any existing structure.

3.7 Visibility at Intersections and Curves:

No obstruction, hedge, bush, tree, or other growth, or any fence or sign shall be erected, maintained, or planted that obstructs or interferes with a clear view of drivers of vehicles on a curve or at any street intersection and that may endanger the safety of those traveling upon such streets or highways. The minimum vision clearance shall require a height not exceeding three (3) feet above the street grade within twelve (12) feet of the intersecting street lines bordering corner lots.

3.8 Building Lines:

No structure or accessory building shall be erected or altered, except in accordance with these Regulations, on any lot nearer to the street than the building line.

3.9 Lot Frontage:

Each lot in future subdivisions of land shall have the frontage required in the applicable zone upon a public street.

3.10 Lots on Narrow Streets:

In the case of lots facing streets less than fifty (50) feet wide, the front yard required by the applicable provisions of these Regulations shall be increased by one-half ($\frac{1}{2}$) the difference between fifty (50) feet and the actual width of the street.

3.11 Usable Lot Area:

The area of a lot that is considered usable lot area shall be the area of a lot that does not include floodplains, wetlands, easements, or naturally occurring slopes of over fifteen percent (15%). A building lot shall have a usable lot area of at least fifty percent (50%) of the minimum required lot size for the district in that such property lies. The land area comprising the fifty percent (50%) minimum shall be one contiguous piece. (Effective 11/15/03)

3.12 Rear Lots (flag lots) Effective July 27, 2005:

The establishment of rear lots in a subdivision or resubdivision shall be allowed and shall be limited to not more than twenty percent (20%) of the number of lots in such subdivision or resubdivision. Rear lots shall comply with all dimensional regulation standards required by Section 4.9 with the exception of lot frontage requirements. Lot frontage requirements shall be in accordance with this section. The following standards shall apply to all rear lots.

- A. The minimum lot area shall be measured within the body of the lot, exclusive of the area contained within the access strip running from the street. The body of the lot shall begin at the point the lot width meets the lot frontage requirement of Section 4.12.
- B. Street frontage shall be not less than twenty-five (25) feet and the width of the access strip shall average at least twenty-five (25) feet. No structure will be permitted within such strip.
- C. Yards shall adhere to requirements of the zoning district in that the building lies.
- D. A building line shall be established at least one hundred (100) feet (Effective 11/15/03) from the boundary of the body of the lot closest to the street on that the lot fronts.
- E. Type D screening shall be installed within the front yard setback area. (Effective 11/15/03)

3.13 First Floor Elevation:

Where the first floor of any proposed principle structure is not, on average, eighteen (18) inches above the center line of the street or streets abutting a lot, the owner must consult with the First Selectman or his agent prior to construction.

3.14 Exceptions to Height Requirements:

The height limitations of the Zoning Regulations shall not apply to chimneys, antennas, church spires, air conditioning equipment and enclosures, or other usual accessory features carried above the roof. Free-standing structures such as towers or tanks not intended for human habitation that exceed the height limits of these Regulations may be permitted by the Commission under a special use permit. Such structures shall be erected only to such height as is necessary to accomplish the purpose they are intended to serve.

3.15 Required Street Frontages:

No building or zoning permit shall be issued for any structures or land use unless the lot for that the permit is sought has the required frontage on a public street. The minimum required street frontage shall be contiguous.

3.16 Accessory Buildings:

- A. An accessory building attached to a main building, including attachment by means of a breezeway or a roofed passageway shall comply with the requirements of these Regulations applicable to the main building.
- B. Any accessory building observing the same yards as required for the main building may be erected to the same height limits as the main building.
- C. No accessory building on the same lot with a main residence building shall be used for residence purposes nor shall such building contain full bath or full kitchen facilities. (Effective 2-15-95)
- D. Accessory buildings may include private garages with space for not more than three (3) non-commercial motor vehicles on one (1) lot up to one (1) acre in size and for one (1) additional such vehicle for a lot in excess of one (1) acre. Not more than one (1) such space may be occupied by a commercial motor vehicle provided such vehicle be of not more than ten thousand (10,000) (pounds) gross vehicle weight. Spaces (bays) shall not exceed twelve feet by twenty-four feet (12' x 24') for calculation purposes.
- E. Accessory buildings to farming use and buildings housing farm animals and poultry are permitted not less than one hundred (100) feet from a street, or lot line and not less than one hundred fifty (150) feet from the nearest existing residential building on land under separate ownership.
- F. Greenhouses as accessory buildings are limited to one structure on a residential lot. More than one greenhouse as an accessory use may be allowed on a farm, but such

buildings shall be accessory and incidental to the main agricultural use of the property.

3.17 Location of Accessory Buildings:

- A. Accessory buildings that are not more than fifteen (15) feet in height may be located:
1. In the rear half of any lot, but not nearer than seventy-five (75) feet to any street;
 2. Within five (5) feet of the side or rear lines of said lot when such lot lines abut the rear lines or rear half of side lines of adjoining lots;
 3. No accessory building shall be nearer than the required minimum side yard line to a rear lot line that adjoins the front half of the side line of an adjacent lot;
 4. No accessory building used for livestock or poultry kept for domestic use shall be nearer than twenty-five (25) feet to any side or rear line.
- B. Accessory buildings shall not occupy more than twenty-five percent (25%) of the area of a required rear yard.
- C. No accessory buildings or private garage shall be built on an untenanted lot unless it is part of a structure on a continuous foundation that is under construction and is to be completed within one (1) year or if the building is used for agricultural purposes.

3.18 Removal and Replacement of Topsoil:

The removal or destruction of topsoil of more than one thousand (1,000) square feet on any lot shall not be permitted except in connection with construction, regrading, or landscaping work. After completion of such work, the topsoil shall be replaced and seeded according to accepted landscaping practices.

3.19 Drainage:

No structure shall be used, erected, or expanded and no land shall be graded or hard-surfaced unless provisions have been made and approved by the Town of Stafford for the proper disposal of drainage water, particularly from parking areas and driveways, from areas contiguous to property lines and from low areas that tend to collect drainage water.

3.20 Recreational Vehicles:

A recreational vehicle or camper or a boat and/or boat trailer may be stored on a lot occupied by the owner's residence, provided such unit is stored behind the building line and it shall be adequately screened from view from the street and from neighboring properties. No unit may be occupied for sleeping, living, or for carrying on a business in any zone except as provided elsewhere in these regulations.

3.21 Continuing Existing Nonconforming Uses:

Any use or building lawfully existing and any premises or building or any portion of any premises or building in use for a nonconforming use at the time of adoption of these regulations, or any amendments thereto, may be continued and any building so existing

that was designed, arranged, intended for, or devoted to a nonconforming use may be reconstructed and structurally altered, and the nonconforming use therein changed subject to the following regulations:

- A. No nonconforming use may be changed except to a conforming use or, with the approval of the Zoning Board of Appeals, to another nonconforming use more consistent with the uses permitted in the zone in that the premises are located.
- B. No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.
- C. No nonconforming commercial or industrial use shall be extended or expanded.
- D. No nonconforming use that has been abandoned shall be thereafter resumed. A nonconforming use shall be considered abandoned when there is an actual cessation of such use coupled with the intent not to put the premises again to the same use. Where there is a non-use of a nonconforming use for a period of six (6) months, the use shall be deemed abandoned, unless there be proof offered of intent not to abandon such nonconforming use, except that, in the case of damage by fire or an act of God, such damage may be repaired or replaced and the nonconforming use resumed within a period of one (1) year.

3.22 Structural Alterations to Nonconforming Building

- A. The cumulative cost of structural alterations to any nonconforming building containing a nonconforming use shall not exceed thirty-three and one-third percent (33 1/3 %) of its fair market value* at the time of application for permit, unless the use thereof be changed to a conforming use or, with the approval of the Board of Appeals, to another nonconforming use more consistent with the uses permitted in the zone in that the premises are located.
- B. Nothing in these Regulations shall prevent the alteration or expansion of an existing building or structure containing a permitted use that does not meet the height limitations, floor area, lot width, or yard requirements providing that:
 - 1. There is no increase in the number of dwelling units or families within the building, expansion, or alteration thereof; and
 - 2. Providing that such alteration or expansion does not exceed the setback, yard, or lot coverage requirements of the district within that the existing building or structure is located.
- C. Nothing in these regulations shall prevent the reconstruction within one (1) year of a building suffering damage by fire or act of God to its condition prior to such damage or prevent the restoration of a wall or structural member or prevent any restoration or reconstruction work ordered by a lawful jurisdiction. (Effective 2-15-95)

* Where there is dispute, fair market value shall be established by the Town Assessor.

3.23 Changes in Regulations

- A. Nothing in this section shall require any change in the plans, construction, or designated use of a building for that a building permit in accordance with existing regulations has been issued and on that the construction shall have been commenced prior to the adoption of these regulations, or of any amendments thereto, and that shall be completed within one (1) year of the adoption of the same.
- B. A building containing a permitted use that does not conform, because of amendments to these regulations, to building height limit, minimum lot area or width, percentage of lot coverage, required yards, or minimum floor area on the effective date of these Regulations shall not be considered a nonconforming building within the meaning of Sec. 3.22.

3.24 Residential Uses in Non-Residential Districts:

In any case where there is an existing residential use in a local business, highway or industrial, or water management zone that use was in existence at the time said zone was created, the residential dwelling may be enlarged or altered and accessory structures may be constructed, provided that such enlargement, alteration, or accessory structure meets the percentage of lot coverage and the parking and yard requirements of a AAA zone.

Article IV
Residential Districts

4.1 Explanation of Use Tables

- A. No structure shall be used, erected, or expanded; and no land use shall be established or expanded except in accordance with the Zoning Regulations. The schedules contained in Section IV list permitted uses of lands and buildings, and the maximum height of buildings, the required yards, open space, area of lots, and other requirements for the various districts in the Zoning Regulations.
- B. Any use marked “SU” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit and subject to Sec. 8.10(A) “Special Use Permit.”
- C. Any use marked “SP” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit and subject to Sec. 8.3 “Site Plan.”
- D. Any use marked “P” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit.
- E. Any use not marked is not a permitted use in the particular zoning district. Uses that are not permitted are prohibited unless the Commission determines that a proposed use is sufficiently similar to a listed use.

4.2 Schedule of Permitted Main Uses:

Permitted Main (Principal) Uses	Residential Zoning Districts				
	AAA	AA	A	B	C
1. One-family (1) dwelling, one (1)/lot	P	P	P	---	---
2. Two-family (2) dwelling	---	---	---	P	P
3. In-Law-Apartment	SU	SU	SU		
4. Multi-family	---	---	---	SU	SU
5. Age Restricted Housing (Effective 6/11/08)	SU	SU	SU	---	---
6. Agriculture, forestry, truck gardening, nursery, including incidental greenhouses	P	P	P	---	P
7. Livestock, Poultry farms and piggeries	SU	---	---	---	---
8. Boarding camp	SU	---	---	---	---
9. Government uses, cemeteries, places of worship	SU	SU	SU	SU	SU
10. Hospital, convalescent or nursing home, home for elderly	SU	SU	SU	SU	SU
11. Wood cutting/sawmill	SP	SP	---	---	---
12. Public, parochial, or private school or college	SU	SU	SU	---	---
13. Group day care home, child play care center, nursery school, adult day care	SU	SU	SU	SU	SU
14. Bed and breakfast	SU	SU	SU	---	---
15. Clubhouse, lodge, or other non-profit social, civic, or fraternal house	SU	SU	SU	---	---
16. Camping areas established prior to 4-7-72	SU	SU	---	---	---
17. Shooting ranges	SU	SU	---	---	---
18. Utility transmission lines and substations	P	P	P	P	P

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19. Elderly housing	---	SU	---	SU	SU
20. Noncommercial kennel (Effective 12/19/2003)	SU	SU	---	---	---
21. Veterinary hospital (Effective 12/19/2010)	SU	SU	---	---	---
22. Horse and pony farms, riding academies, boarding stable	SU	SU	---	---	---
23. Funeral home	---	---	SU	SU	SU
24. The sale of alcoholic beverages	---	---	---	---	---
a. Club permit or nonprofit permit	SU	SU	SU	---	---
25. Parking (See Note A)	SU	SU	SU	SU	SU
26. Earth removal (Effective 4/25/2007)	SU	SU	---	---	---

"P" is a permitted use.

"SU" is by Special Use Permit

- A. One family dwellings in WM zones are subject to site plan requirements. Such site plan shall include wetland, flood plain, and stream encroachment delineations.
- B. Uses permitted under "SP" are limited to sites with a total area of building coverage no greater than fifty thousand (50,000) square feet. Sites that propose total building coverage in excess of fifty thousand (50,000) square feet require "SU" approval. (Effective 7/25/2005)
- C. All buildings or uses larger than twenty thousand (20,000) square feet of gross leasable floor area require the issuance of a special use permit in accordance with the requirements of Section 6.31 of these regulations. (Effective 4/1/2006)
- D. A special use permit is required for all drive-through facilities. (Effective 4/1/2006)
- E. Earth removal in HB and LB allowable under temporary permit only and in conjunction with a bona fide construction project.

NOTE A: All parking areas will comply with parking requirements of Sections 6.2.

NOTE: The Commission shall determine, upon request, all like uses not specifically listed and, in its discretion, may allow such use under a special use permit whether such use is a main use or accessory use.

4.3 Schedule of Permitted Accessory Uses

Permitted Accessory Uses	Zoning Districts				
	AAA	AA	A	B	C
A. Keeping of not more than two (2) non-transient roomers or boarders in any dwelling unit.	P	P	P	--	--
B. Private garage for motor vehicles, not to include more than one (1) commercial vehicle not more than ten thousand (10,000) GVW.	X	X	X	X	X
C. Building used for storing, processing, and manufacture of agricultural products.	X	X	X	X	X
D. Building for storage and repair on a farm of any number of motor vehicles and equipment for operation of such farm.	X	X	--	--	--
E. Swimming pools in accordance with all applicable state and local regulations.	P	P	P	P	P
F. Non-commercial greenhouses, storage sheds, boathouses.	X	X	X	X	X
G. Off-street parking and loading facilities.	X	X	X	X	X
H. Home occupation.	P	P	P	P	P
I. Signs as specified in Sec. 6.3	X	X	X	X	X
J. Non-commercial animal agricultural listed in Sec. 7.4.	X	X	X	X	X
K. Accessory uses incidental to a permitted use on the same lot subject to all other special conditions contained in these regulations.	X	X	X	X	X
L. Amusement devices shall be limited to three (3) such devices at each location (Effective November 15, 2003)	---	---	--	--	--
M. Lawn care business (Effective May 1, 2000)	P	P	P	--	--

"X" is a permitted accessory use subject to the same permits and reviews as the main use to that it is accessory.

"P" is a permitted use.

“SU” is by Special Use Permit

4.4 Supplementary Regulations to the Tables of Permitted Uses

A. Regulations for utility lines and substations: Utility transmission lines and substations are permitted uses in all zoning districts provided that:

1. The location, construction, and right-of-way of any transmission line shall be such as to prevent hazard to the public and surrounding property.
2. A utility substation shall be located on a lot at least ten thousand (10,000) square feet in area. There shall be suitable fencing to protect the public and landscaping to effectively screen the substation from surrounding property. Yard setbacks of the district, in which the substation is located, shall be met. In addition, there shall be adequate off-street parking areas.
3. Minor structures, such as hydrants, telephone, or light poles, or similar equipment, shall not be subject to these regulations.

B. Uses expressly prohibited in all districts:

1. Distillation of bones, offal, or dead animals rendering or dumping.
2. Blast furnaces or smelting of copper, iron, lead, tin, and zinc.

3. Coal or petroleum distillation or derivation of by-products.
4. Manufacture of cement, lime, gypsum, or plaster of parts; or chlorine; or carbolic, hydrochloric, nitric, picric, or sulfuric acid.
5. Manufacture or storage of explosives.
6. Fertilizer manufacture.
7. Fat rendering in the manufacture of tallow, grease, and oil.
8. Refining and recovery of products from fish, animal refuse, or offal.
9. Petroleum gas manufacture and storage by others than a public utility, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted by the Zoning Board of Appeals, provided that the standards established by the National Board of Fire Underwriters, NBFU pamphlet 58 and 59, and applicable state laws, including revisions, are complied with. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut State laws.
10. Production, storage, and/or placement of any nuclear waste, hazardous materials or hazardous waste, explosives, including pyrotechnic and incendiary devices (except pyrotechnic displays), and pollutants.
11. Junkyards of any kind or storage or baling of scrap not associated with a permitted manufacturing or business use.
12. Trailer park or mobile home park.
13. Commercial radio, television, microwave relay, or other communication towers whose height exceeds thirty-five (35) feet from the ground, except that permitted are:
 - a. Amateur radio station towers that do not exceed fifty (50) feet in height from the ground.
 - b. Private business radio towers solely for the use of the business or its employees provided that said towers are located at the business address of the applicant and provided that said towers do not exceed fifty (50) feet in height from the ground.
 - c. Other structures in excess of thirty-five (35) feet may be allowed by the Commission under the special permit procedure.
14. Apartments and/or living quarters in accessory buildings.
15. Similar uses to the above that are dangerous by reason of fire or explosion; or injurious, noxious, or detrimental to the neighborhood because of emission of

dust, fumes, odor, smoke, wastes, noise, or vibrations; or because of other objectionable features.

- C. **Chemical and petroleum products storage:** Commercial underground tanks and storage systems of fiberglass construction shall be designed, constructed, and installed in accordance with the standards of the state building and fire codes, National Fire Prevention Association, American Society for Testing Materials, and "Connecticut Regulations for Control of Non-Residential Underground Storage and Handling of Oil and Petroleum Liquids."
- D. **Domestic fuel oil storage:** Domestic underground fuel oil storage tanks are not permitted under these Regulations. Fuel tanks shall be located in cellars/basements or in approved structures above ground.

4.5 Conversion for Related Family Unit ("in-law apartment"):

Conversion of single-family homes to provide for one in-law apartment unit for immediate family may be allowed by the Commission as a special use permit subject to reasonable safeguards and the following standards:

- A. The in-law apartment unit is to be occupied by a parent, grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, child, or child-in-law of the owner-occupant of the principal dwelling.
- B. The in-law apartment shall be limited to a maximum of three (3) rooms exclusive of bathrooms, hallways, and closets. The in-law apartment shall also be limited to a maximum floor area of seven hundred and fifty (750) square feet. (as defined on the drawing by providing square feet of each room).
- C. The remainder of the structure shall contain the minimum livable floor area that is required for a single-family residence in that zone.
- D. The in-law apartment unit shall be in the same building as the principal dwelling unit.
- E. There shall be no separate utility service entrance for the in-law apartment unit.
- F. No structural alteration made to the exterior of the building shall detract from its single-family characteristics.
- G. No stairs above the first floor shall be added outside the existing exterior walls except at the rear wall of the building; and on a corner lot, any new stairs shall be added within the existing walls of the building or added in the form of a wing that will not detract from the building's single-family characteristics.
- H. A three-year (3) permit shall be issued to the property owner who must occupy one of the dwelling units. Said permit may be renewed by the Zoning Enforcement Officer on proof of residency.

- I. An approval notice from the Stafford Health District as to the adequacy of on-site sewage disposal and water supply if utilized.
- J. One additional off-street parking space shall be provided for use by the occupant(s) of said in-law apartment.
- K. Upon vacating of the unit by the originally intended immediate family, the in-law apartment unit will be altered to return the house to its original status as a one-family dwelling.
- L. Failure to meet any of the above requirements may be cause for revocation of the permit.

4.6 Home Occupations and Professional Offices:

Traditional professional offices and home occupation that are clearly accessory to the primary use of a building as a single-family dwelling are permitted in all single-family residential districts. The following standards shall apply:

- A. A site plan shall be submitted for approval by the Zoning Enforcement Officer.
- B. Office use of home occupation is restricted to the resident thereof.
- C. Professional offices may have up to two (2) non-resident employees.
- D. Adequate off-street screened parking shall be provided on the premises.
- E. The Z.E.O., at his/her discretion, may waive the requirement for a site plan, or he/she may require a public hearing as a special use if it is determined that a proposed use might have an effect on abutters.

4.7 Conversion for Bed and Breakfast:

Conversion of a single-family home to provide for a bed and breakfast facility when used in conjunction with primary residential use may be allowed by the Commission as a special permit use subject to reasonable safeguards and the following standards:

- A. A bed and breakfast shall:
 - 1. Not contain more than six (6) guest rooms;
 - 2. Provide meals only to overnight guests;
 - 3. Not house a guest for a period in excess of fourteen (14) continuous days;
 - 4. Not change the residential character of the dwelling;
 - 5. Not be located within fifty (50) feet of an existing neighboring residential Structure;
 - 6. Not be located on a dead-end street more than one thousand two hundred (1,200) feet from the beginning of such dead-end street;

7. Have appropriate sewage disposal facilities to meet Health Code requirements or be connected to a public sewer.
- B. Off-street parking shall:
1. Consist of one (1) space per rental room in addition to two (2) spaces for the dwelling;
 2. Not be located between the street and the building line except for the dwelling;
 3. Be screened from the street and abutting residential properties;
 4. Have lighting adequate for safety and security without creating a nuisance to abutters.

4.8 Open Space Districts (OS)

- A. The purpose of the open space districts established in these Regulations is designed to further promote the health, safety, and the general welfare of the residents of Stafford. These general goals include the following specific purposes:
1. To provide sufficient public space in appropriate locations for the retention of open spaces to: maintain aesthetic and scenic value; conserve and protect natural resources; serve as a natural buffer zone between incompatible land uses; and serve as a "land bank" where open land remains as a reserve for future development.
 2. To provide sufficient space in appropriate locations to meet the needs for active, natural, and passive recreational areas including: playgrounds and play fields and neighborhood parks.
 3. To provide sufficient space in appropriate locations to meet needs for the expansion and addition to the community's educational plant.
- B. Open space districts may remain vacant and undeveloped or may be developed so as to provide natural, active, or passive recreation or educational facilities to meet the needs of the community. All plans and specifications for development within designated open space areas shall be subject to the review and findings of the Planning and Zoning Commission and conform to the land use objectives in the Plan of Development. Permits for the development of open space properties may only be granted by the Commission after lawfully advertised public hearing.

4.9 Dimensional Standards for Residence Districts

Minimum Dimensions	AAA	AA	AA*	A	B****	C****	WM
Lot area – square feet	88,000	44,000***	30,000	15,000	40,000	44,000	88,000
Lot frontage – feet	200	175	150	100	250	100	200
Lot depth – feet	250	200	175	120	150	150	250
Front yard – feet	50	40	50	25	50	15	50
Side yard - feet							
Main building	30	20	20	20	30	10	30
Accessory building** (Effective November 15, 2003)	30	20	20	12	30	10	30
Parking area	10	5	5	2	5	5	10
Rear yard – feet							
Main building	50	35	35	35	50	25	50
Accessory building** (Effective November 15, 2003)	50	35	35	35	50	25	50
Parking area	10	5	5	2	5	5	10
Maximum height							
Main building – stories	2½	2½	2½	2½	2½	3	2½
Main building – feet	30	30	30	30	35	35	30
Accessory building – stories** (Effective November 15, 2003)	30	30	30	30	35	35	30
Lot area/dwelling unit							
Square feet	88,000	30,000	30,000	15,000	11,000	7,330	88,000
Lot coverage – all buildings							
Percentage	10	15	20	20	20	20	10

* Denotes AA District within the former Borough of Stafford Springs.

** *Effective 11/15/03* Accessory buildings attached to the main building or in excess of fifteen (15) feet in height shall observe requirements for a main building.

Detached accessory buildings fifteen (15) feet, or less in height shall comply with Section 3.11.

*** Minimum of 30,000 square feet needed per unit for two-family (2) dwelling.

**** Multi-family dwellings shall not exceed four (4) units/acre in Zone B and six (6) units/acre in Zone C.

4.10 Minimum Floor Area for One- and Two-Family Dwelling Units

Minimum Livable Floor Areas (in square feet) *				
Zone	AAA	AA	AA (two-family)	AA** – A – B
One level	1300	1150	750/unit	1000 ***
Two-story				
First floor	860	760	500/unit	1000
Second floor			250/unit	
Raised ranch or split level				
Main floor	960	850	550/unit	1000
Balance	340	300	200/unit	

* Unfinished areas may be credited toward minimum livable finished floor area requirements provided that all utilities are "roughed in" and walls and ceilings are sheetrocked and taped.

** AA zone in former Borough of Stafford Springs

*** Single-family

Note: A dwelling without a basement shall have an area of two hundred (200) square feet for storage space in addition to the above minimum floor area requirements.

4.11 Apartment Buildings:

Apartments shall be constructed with the following minimum livable floor areas:

Efficiency	370 square feet
One-bedroom	550 square feet
Two-bedroom	700 square feet

4.12 Standards for Multi-Family Use:

The Commission, as a special use, may permit the development of multi-family housing for a minimum parcel size of two (2) acres in Residence B or Residence C Zones. Density shall not exceed four (4) dwelling units/acre in Zone B and six (6) dwelling units/acre in Zone C. (Effective 2-15-95)

4.13 Multi-Family Permitted Uses:

- A. Multiple family buildings, including garden apartments, townhouses, apartments, group buildings, or a combination thereof, for rental or for sale as individual dwelling units.
- B. Occupancy shall not exceed one (1) family per unit nor exceed the limits established by the Commission.
 Accessory uses incidental to permitted uses for the use of owners or tenants and their guests, including garages, carports, off-street parking areas, laundry facilities are permitted. Community and recreational uses including tennis, swimming, and community, or club houses shall be limited to residents and guests, unless such facilities are operated as a non-profit club.

4.14 Homeowners' Association:

A homeowners' association must be legally established if units are to be sold.

4.15 Criteria for Building and Sites

- A. Buildings shall be located to provide for the amenities of apartment living to assure the maximum of light and ventilation, to control the impact of traffic and parking on the site, and to integrate the development with the neighborhood.
- B. The scale of buildings shall be compatible with the residential scale of buildings within the town. No building facade or roof visible from public or private streets shall have a continuous surface exceeding fifty (50) feet in length between horizontal offsets or a projecting roof gable.
- C. Maximum lot coverage for buildings shall not exceed twenty-five percent (25%) of the developable land area and dwelling density shall not exceed four (4) units per acre in Residence B and six (6) units per acre in Residence C districts.
- D. The site shall be served by public sewer and water.
- E. In development of ten (10), or more units, a minimum of thirty-three percent (33%) shall be efficiency or one-bedroom units and not more than twenty percent (20%) may have three (3) or more bedrooms.
- F. A portion of a wall without openings in a principal building shall not be less than fifteen (15) feet from a portion of a parallel or opposing wall without openings in another principal building on the same lot or six (6) feet to a wall without openings in an accessory building, provided that any openings to a garage shall not be less than ten (10) feet to the nearest window in a principal building.
- G. A portion of a wall with openings in a principal building shall be not less than sixty (60) feet to any portion of a parallel or opposing wall with openings in another principal building on the same lot or fifty (50) feet minus the required side yard on the adjoining lot opposing such wall or forty (40) feet to any portion of a parallel, or opposing wall without openings in another principal building, or accessory building on the same lot or ten (10) feet to any portion of a wall without openings in an accessory building; the highest part of the roof of that is below the lowest window sills of a habitable room in such principal building facing such accessory building.
- H. Courts enclosed by buildings on all sides shall be prohibited. In courts formed by two L-shaped buildings, the distance between the nearest corners of the buildings shall be not less than twenty (20) feet measured in a straight line between such corners.
- I. The finished grades at front, side, and street elevations of buildings shall be not more than twenty-four (24) inches below the first story level, except that the Commission may modify this requirement in the case of natural slopes in existing ground levels.

4.16 Public Improvements:

- A. Any required public improvements, including fire hydrants, sanitary sewers, and storm drainage, shall conform to the applicable sections of the Subdivision Regulations and the Town of Stafford standards.
- B. The owner(s) shall provide and maintain all private road and parking areas, as may be required. All main roads shall conform to the Town of Stafford specifications except that the minimum width may be fifteen (15) feet for one-way and twenty-four (24) feet for two-way traffic and a performance bond may be required initially.
- C. The owner(s) shall provide and maintain all private street lights and sidewalks, hydrants, signs, trash storage areas, and recreation areas.

4.17 Maintenance and Operation

- A. The owner(s) shall be responsible for the proper operation and maintenance of the grounds, private roads and parking areas, landscape buffers, and buildings. Lack of proper operation or maintenance shall constitute a violation of these Regulations.
- B. When an individual unit is sold, each deed of sale shall include suitable provisions requiring proportionate ownership of and responsibility for any community property owned in common with others. All such conditions and agreements shall be in a form satisfactory to the Town of Stafford and shall be recorded in the Stafford Town Records.

4.18 Parking, Landscaping, and Buffers

- A. Off-street parking spaces or garages shall be provided in a ratio of two (2) spaces for every dwelling unit with the exception of elderly housing (ratio to be determined for each project by the Commission). All parking and loading areas shall be located in side or rear yards only and shall be screened from the street and abutting residential areas by Type "C" screening.
- B. Parking areas shall not be located within twenty (20) feet of a building wall and shall be separated by landscaped areas that may contain appropriate pedestrian walkways.
- C. All yards shall be accessible for firefighting purposes and shall include Type "A" screening.
- D. Where appropriate, in the judgment of the Commission, suitable walls or fencing may modify or waive the landscape buffer requirements.
- E. Where two similar uses or accessory uses abut a common yard, the Commission may modify or waive the landscape buffer requirements.
- F. A parking area containing spaces for more than twenty-four (24) cars shall be designed to include not less than five percent (5%) of the gross area for landscape treatment.

Landscaped area* shall be not less than three (3) feet wide. In general, there shall be not more than ten (10) contiguous car spaces without separation by a landscaped area, suitably planted.

*Areas: planted trees, shrubs, and/or flowering plants

4.19 Filing Requirements:

An approved site plan shall be filed with the Commission and an approved plan not so filed within ninety (90) days shall become null and void. For filing purposes, said plan shall be submitted on *Mylar*, or similar transparent material accompanied by seven (7) paper prints. Such filed plan may be declared null and void by the Commission unless construction of buildings is in progress and not less than fifty percent (50%) of building foundations are completed within one (1) year of the date of approval of such plan, unless an extension of time is granted by the Commission.

Article V
Commercial Districts

5.1 Explanation of Tables

- A. No structure shall be used, erected, or expanded; and no land use shall be established, or expanded except in accordance with the Zoning Regulations. The schedules contained in Section IV list permitted uses of lands and buildings, and the maximum height of buildings, the required yards, open space, area of lots, and other requirements for the various districts in the Zoning Regulations.
- B. Any use marked “SU” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit and subject to Sec. 8.10(A) “Special Use Permit.”
- C. Any use marked “SP” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit and subject to Sec.8.3 “Site Plan.”
- D. Any use marked “P” in the following tables is a permitted use subject to the issuance of a building and/or zoning permit.
- E. Any use not marked is not a permitted use in the particular zoning district. Uses that are not permitted are prohibited unless the Commission determines that a proposed use is sufficiently similar to a listed use.

5.2 Schedule of Permitted Main Uses:

Permitted Main (Principal) Uses	Zoning Districts						
	WM	OS	LB	HB	CB	IN	HI
1. One-family (1) dwelling, one (1)/lot	SU*						
2. Agriculture, forestry, truck gardening, nursery, including incidental greenhouses	P					SU	SU
3. Livestock, Poultry farms and piggeries	P					SU	SU
4. Government uses, cemeteries, places of worship	SU	SU	SU	SU	SU	SU	SU
5. Wood cutting/sawmill	SP						
6. Group day care home, child play care center, nursery school, adult day care			SU	SU		SU	SU
7. Bed and breakfast			SP	SP			
8. Clubhouse, lodge, or other non-profit social, civic, or fraternal house			SP	SP	SP		
9. Utility transmission lines and substations	P		P	P	P	P	P
10. Commercial Kennel				SU			SU
11. Noncommercial kennel (Effective December 19, 2003)			SU	SU			
12. Veterinary hospital (Effective December 19, 2010)			SU	SU			SU
13. Rental Care Business							SU
14. Funeral home			SP	SP			SP
15. Retail, personal services, restaurant			SP	SP	SP		SU
16. The sale of alcoholic beverages							
a. Café permit				SU			

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b. Tavern permit				SU			
c. Club permit or nonprofit permit			SU	SU	SU		
d. Hotel permit or hotel permit for beer only				SU			SU
e. Package store permit				SU	SU		SU
f. Restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, or restaurant permit for catering establishment				SU	SU		SU
g. Bowling establishment permit, bowling establishment permit for beer only, or racquetball facility permit					SU		
17. Parking (See Note A)			SU	SU	SU	SU	SU
18. Business and professional offices, banks			SP	SP	SP		
19. Auto sales, auto repair, service station				SP		SP	SP
20. Trade school, business school				SU		SU	SP
21. Assembling, processing, and packaging of goods for sale (25% of floor)			SP	SP	SP		
22. Grooming facility			SP	SP			SU
23. Drove-in, open air sales, commercial recreation, amusement arcade, café				SU			SU
24. Bus station, hotel, motel, inn				SP			SU
25. Wholesale, storage, freight terminal, commercial processing						SP	SU
26. Manufacturing, processing, assembly						SP	
27. Outdoor storage, fuel storage, contractor's yard						SU	SU
28. Salvage operations contained within a building						SU	
29. Lawn care business (Effective 5/1/2000)			P	P	P	P	SU
30. Retail use limited to ten (10) % of floor area (Effective 7/27/2005)						P	SU
31. Retail uses having a gross floor area of more than twenty thousand (20,000) square feet as defined Sec. 4.64(a) (Effective 4/1/2006)			SU	SU	SU		SU
32. Earth removal (Effective 4/25/2007)			SU*	SU*			

- A. One family dwellings in WM zones are subject to site plan requirements. Such site plan shall include wetland, flood plain, and stream encroachment delineations.
- B. Uses permitted under “SP” are limited to sites with a total area of building coverage no greater than fifty thousand (50,000) square feet. Sites that propose total building coverage in excess of fifty thousand (50,000) square feet require “SU” approval. (Effective 7/2/2005)
- C. All buildings, or uses larger than twenty thousand (20,000) square feet of gross leasable floor area require the issuance of a special use permit in accordance with the requirements of Section 8.10(A) of these regulations. (Effective 4/1/2006)
- D. A special use permit is required for all drive through facilities. (Effective 4/1/2006)
- E. Earth removal in HB and LB allowable under temporary permit only, and in conjunction with a bona fide construction project.

* All parking areas will comply with parking requirements of Section 6.2.

** The Commission shall determine, upon request, all like uses not specifically listed and, in its discretion, may allow such use under a special use permit whether such use is a main use, or accessory use.

5.3 Schedule of Permitted Accessory Uses

Permitted Accessory Uses	Zoning Districts						
	WM	GS	LB	HB	CB	IN	HI
A. Keeping of not more than two (2) non-transient roomers or boarders in any dwelling unit.			P	P			
B. Private garage for motor vehicles, not to include more than one (1) commercial vehicle not more than ten thousand (10,000) GVW.	X	X	X	X	X	X	X
C. Building used for storing, processing, and manufacture of agricultural products.	X	X	X	X	X	X	X
D. Building for storage and repair on a farm of any number of motor vehicles and equipment for operation of such farm.							
E. Swimming pools in accordance with all applicable state and local regulations.	P	X	X	P	X	X	X
F. Non-commercial greenhouses, storage sheds, boathouses.	X	X	X	X	X	X	X
G. Off-street parking and loading facilities.	X	X	X	X	X	X	X
H. Home occupation.							
I. Signs as specified in Sec. 6.3.	X	X	X	X	X	X	X
J. Non-commercial animal agricultural listed in Sec. 7.4.	X	X	X	X	X	X	X
K. Accessory uses incidental to a permitted use on the same lot subject to all other special conditions contained in these regulations.	X	X	X	X	X	X	X
L. Amusement devices shall be limited to three (3) such devices at each location (Effective 11/15/2003)			X	X	X		
M. Lawn care business (Effective 5/1/2000)							

"X" is a permitted accessory use subject to the same permits and reviews as the main use to that it is accessory.

"P" is a permitted use.

5.4 Supplementary Regulations to the Tables of Permitted Uses

A. Regulations for utility lines and substations: Utility transmission lines and substations are permitted uses in all zoning districts, provided that:

1. The location, construction, and right-of-way of any transmission line shall be such as to prevent hazard to the public and surrounding property.
2. A utility substation shall be located on a lot at least ten thousand (10,000) square feet in area. There shall be suitable fencing to protect the public and landscaping to effectively screen the substation from surrounding property. Yard setbacks of the district, in which the substation is located, shall be met. In addition, there shall be adequate off-street parking areas.
3. Minor structures, such as hydrants, telephone or light poles or similar equipment, shall not be subject to these regulations.

B. Uses expressly prohibited in all districts:

1. Distillation of bones, offal, or dead animal rendering, or dumping.

2. Blast furnaces or smelting of copper, iron, lead, tin, and zinc.
3. Coal or petroleum distillation or derivation of by-products.
4. Manufacture of cement, lime, gypsum, or plaster of parts; or chlorine; or carbolic, hydrochloric, nitric, picric, or sulfuric acid.
5. Manufacture or storage of explosives.
6. Fertilizer manufacture.
7. Fat rendering in the manufacture of tallow, grease, and oil.
8. Refining and recovery of products from fish, animal refuse, or offal.
9. Petroleum gas manufacture and storage by others than a public utility, except that the storage for distributing purposes and the distribution of liquefied petroleum gas may be permitted by the Zoning Board of Appeals, provided that the standards established by the National Board of Fire Underwriters, NBFU pamphlet 58 and 59, and applicable state laws, including revisions, are complied with. Nothing shall prevent the storage for use on the premises of liquefied petroleum gas when installed and used in accordance with applicable Connecticut State laws.
10. Production, storage, and/or placement of any nuclear waste, hazardous materials, or hazardous waste, explosives, including pyrotechnic and incendiary devices (except pyrotechnic displays), and pollutants.
11. Junkyards of any kind, or storage, or baling of scrap not associated with a permitted manufacturing, or business use.
12. Trailer park, or mobile home park.
13. Commercial radio, television, microwave relay, or other communication towers whose height exceeds thirty-five (35) feet from the ground, except that permitted are:
 - d. Amateur radio station towers that do not exceed fifty (50) feet in height from the ground.
 - e. Private business radio towers solely for the use of the business, or its employees, provided that said towers are located at the business address of the applicant and provided that said towers do not exceed fifty (50) feet in height from the ground.
 - f. Other structures in excess of thirty-five (35) feet may be allowed by the Commission under the special permit procedure.
14. Apartments and/or living quarters in accessory buildings.
15. Similar uses to the above that are dangerous by reason of fire or explosion; or injurious, noxious, or detrimental to the neighborhood because of emission of

dust, fumes, odor, smoke, wastes, noise, vibrations; or because of other objectionable features.

- C. **Chemical and petroleum products storage:** Commercial underground tanks and storage systems, of fiberglass construction, shall be designed, constructed, and installed in accordance with the standards of the state building and fire codes, National Fire Prevention Association, American Society for Testing Materials, and "Connecticut Regulations for Control of Non-Residential Underground Storage and Handling of Oil and Petroleum Liquids."
- D. **Domestic fuel oil storage:** Domestic underground fuel oil storage tanks are not permitted under these Regulations. Fuel tanks shall be located in cellars/basements or in approved structures above ground.

5.5 Performance standards — Business and Industrial Uses:

The existing use of land or buildings shall not be changed or expanded except in conformance with the following criteria:

- A. The use shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no serious exposure hazard to adjacent property and the storage of all flammable, or explosive materials shall be in a manner approved by the Fire Marshall of the town of Stafford.
- B. The use shall emit no offensive odors perceptible from any property line of the lot on that the operation is located and shall emit no noxious, toxic or corrosive fumes or gases.
- C. The use shall not exhaust, or waste into the air dust created by an industrial operation in excess of one cubic centimeter, or settled matter per cubic meter of air or produce heat, or glare perceptible from any property line of the lot on that the operation is located for any three (3) continuous minutes.
- D. Industrial and exterior lighting shall not produce glare on public highways or neighboring property or conflict with any traffic signals.
- E. No vibration will be transmitted outside the property where it originates.
- F. No radiation will be detectable outside of the building where it originates.
- G. No offensive nor untreated wastes will be discharged onto the land, or into any stream, water course, or storm sewer.
- H. Smoke, or other air contaminant shall not be discharged into the atmosphere from any single source of emission for a period, or periods aggregating more than three (3) minutes in any one (1) hour, that is as dark, or darker in shade than as designated as No. 2 on the Ringleman Chart, as published by the United States Bureau of Mines;, or

that is of such opacity as to obscure an observer's view to a degree equal to or greater than smoke designated as No. 2 on the Ringleman Chart.

5.6 Work/Live Floating Zone District (Effective 12/15/04)

A. Purpose: The intent of this section is to set forth regulations and standards for establishing and operating work/live occupancies as a primary commercial/industrial use, in that the proprietor would be allowed to reside as a secondary land use activity. The purposes of these provisions are:

1. To provide for and make feasible the reuse of existing commercial or industrial buildings and related sites;
2. To provide cost-efficient alternative work space that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in Stafford and contribute to the revitalization of older commercial buildings and sites;
3. To promote the preservation and reuse of commercial or industrial buildings that contribute to the historic character of the community;
4. To allow activities that are compatible with and will not compromise or interfere with existing and potential industrial or commercial uses in the districts were such work/live occupancies are established;
5. To ensure that work/live occupancies will function predominantly as work spaces with incidental residential accommodations that meet basic habitability requirements;
6. To ensure that the exterior design of structures converted to work/live use reflects the predominant industrial or commercial character of such buildings and will be compatible with adjacent commercial or industrial uses;
7. To ensure that, where there is adjacent residentially zoned land, changes to the exterior of structures converted to work/live are designed to make the commercial or industrial building being converted more compatible with the adjacent residential area.

B. Applicability

1. Work/live occupancies are only allowed in existing buildings that are proven to be inadequate for other practical commercial, or business uses. Such proof may be established by lack of ability to sell or rent for other commercial or business uses.
2. Work/live occupancies are a floating district that may be allowed, at the discretion of the commission, in any zoning district. In determining the applicability of any proposal for a work/live occupancy, the commission will consider the purposes, standards, and requirements as described in this section 5.6(A). The commission will

also consider the impact of such proposal to surrounding property values and the effect on public health, safety, and welfare.

C. Definitions

1. Living space - that portion of a work/live occupancy that is used for residential purposes including, but not limited to, a sleeping area that includes up to two bedrooms, a food preparation area with reasonable work space, and a full bathroom including a lavatory, a toilet, and a shower or bathtub. Use of living space is limited to immediate family members of the tenant.
2. Work space- that portion of a work/live occupancy that is used only for commercial, or business purposes.
3. Work/live occupancy- a commercial, or industrial unit with incidental residential accommodations occupying one (1) or more rooms, or floors in a building primarily designed and used for industrial, or commercial occupancy and providing:
 - a. Adequate working space reserved for commercial, or industrial use and regularly used for such purpose by one (1) or more persons residing therein;
 - b. Living space as defined above and in accordance with the provisions of this section.
4. Adjacent- properties sharing a common property boundary, or are directly across a street right of way.
5. Immediate family – spouse, mother, father, mother-in-law, father-in-law, daughter, son, sister, or brother.

D. Standards

1. Minimum floor area - Each work/live occupancy shall include at least one thousand (1000) square feet of gross floor area.
2. Maximum living space - Not more than thirty (30) percent, or five hundred (500) square feet, whichever is greater, of the work/live occupancy shall be reserved for living space. The remaining area must be reserved and designated as work space.
3. Separation required - Each work/live occupancy in a building must be separated from other work/live occupancies, or other uses in the building. Access to each work/live occupancy shall be provided from common access areas, common halls, corridors directly from the exterior of the building.
4. Each building that provides work/live occupancies may contain additional business, or commercial uses allowed under this section that do not include living spaces.
5. Parking- Each work/live occupancy shall have two (2) parking spaces for up to one thousand (1,000) square feet of floor area plus one (1) additional space for every additional thousand (1,000) square feet, or portion thereof, of floor area. Calculation

of parking spaces for commercial, or business uses that do not include living space shall be provided according to Section 6.2(C).

- E. Uses allowed in Work/Live Floating Zone District – Retail, wholesale, personal services, business and professional offices, assembling, processing and packaging of goods for sale. All other uses expressly prohibited.
- F. Application process- Applicants applying for WL Floating Zone approvals must submit a site plan in accordance with section 8.3 and a zone change application.
- G. Said permit shall be reviewed annually by the ZEO to determine compliance with standards of this section.
- H. Failure to meet any of the above requirements may be a cause for revocation of the permit.

5.7 Standards for Business and Industrial Districts

	Local Business LB	Highway Business HB	Central Business CB	Industrial IN	Highway Industrial HI
Lot area (minimum) square feet	7,500	20,000	4,000	40,000	30,000
Lot width (minimum) feet	75	125	40*	150	125
Lot depth (minimum) feet	100	150	-	-	125
Lot coverage (maximum) All buildings – percent (Effective April 1, 2006)	25	25	**	50/one-story 40/two-story 30/three-story	35
Stories (maximum)	2	2	3	3	3
Height (maximum) feet	25	30	35	35	35
Front yard (feet)	35	55	**	60	55
Side yard (minimum) feet ***	20	20	*	20	20
Rear yard (minimum) feet	20	20	**	20	20

- * Minimum, or no less than the average of all lots in the particular block.
- ** No less than the average of all lots in the particular block.
- *** Where two, or more parcels under separate ownership are consolidated for development purposes, side yards are required only at the outer side lot lines of the consolidated parcel, provided the buildings are built on the common lot line.

Yards and screening adjoining residence districts		
Front yard	Buildings	Building line including Type “B” screening
	Parking areas	Ten (10) feet plus Type “D” screening
	Loading areas	Shall be located only in side or rear yards
Side and rear yards	Buildings	Side and rear yards of the main building(s) shall have a width of at least the height of said building(s), but not less than twenty-five (25) feet including Type “B” screening. Parking and loading areas shall have Type “C” screening.
Yards and screening adjoining non-residence districts		
Front yard	Buildings	Building line including Type “A” screening

	Parking areas	Ten (10) feet plus Type “D” screening
	Loading areas	Shall be located in side or rear yards
Side and rear yards	Buildings, parking areas, loading areas	Yards shall be in accordance with the figures above for the district in which the use is located. All yards shall be accessible for firefighting purposes and shall include Type “A” screening. Where visible from a street, loading areas shall include Type “C” screening.

5.8 Consolidation of Parcels:

Land under more than one ownership may be consolidated for development purposes, and buildings may be constructed and used individually under a site plan meeting all of the requirements of these Regulations, provided each separate owner shall have granted to each other owner in the consolidated parcel by deed, easement, or agreement recorded in the Town Clerk's Office. Such permanent access, egress, passage, and use of parking and loading and open spaces as may be required to assure integrated use and maintenance of the consolidated parcel, provided that nothing in this section shall be construed to permit the erection of a building or structure on an unaccepted street.

5.9 Smaller Lots in Business Zones:

Smaller lots of record under separate ownership may be developed and used for permitted uses, provided:

- A. Such smaller lots are consolidated for development purposes into a parcel having the minimum frontage and area required in the schedule Section 5.7;
- B. Each owner shall grant to the other owners of a consolidated parcel mutual use of common facilities.
- C. Such consolidated parcel shall not adversely affect the development potential and future use of other lots in the area;
- D. Where, in the judgment of the Commission, existing conditions prevent the consolidation of lots into a plan of development containing the minimum lot frontage and area, the Commission may modify the minimum lot frontage and area requirements and may approve a plan of development that is, or can be, integrated with adjacent business development, and that is consistent with the purposes of these Regulations.

5.10 Commercial and Industrial Development. (Effective April 1, 2006)

- A. **Applicability:** The requirements of this section (5.10) shall apply to all uses within the LB Local Business; HB Highway Business; CB Central Business, IN Industrial and HI Highway Industrial districts.

B. **Purpose:** The purpose of this regulation is to provide for sound commercial and industrial development within the Town of Stafford to achieve the following objectives:

1. Improve the tax base of the Town.
2. Provide long-term employment opportunities for Town residents.
3. Facilitate attractive commercial and industrial development to serve Town residents and is complementary to the scale and character of the community.

C. **Preliminary Site Development Plan:**

It is recommended that, prior to the submission of an official application for commercial, or industrial development approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission.

Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a Preliminary Site Development and Land Use Concept Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense, and inconvenience to the public, the proponent, and the Commission upon future receipt, if any, of a formal application. Following any formal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or Federal agencies for review and comment or may suggest that additional Information is, or will be required.

D. **Standards of Design:**

1. **Area and Bulk**

- a. No single establishment intended for retail, restaurant, or other use that supplies goods and/or services on site to a consumer shall have a total floor area that exceeds 40,000 square feet.
- b. No building for retail, restaurant, or other use that supplies goods and/or services on site shall have a total floor area that exceeds forty thousand (40,000) square feet.

- c. There shall be a maximum of forty thousand (40,000) square feet of gross floor area on each lot.
- d. Retail uses located in buildings constructed prior to the adoption of this regulation, when the gross floor area devoted to retail use is more than twenty thousand (20,000) square feet, may be enlarged up to a gross floor area of forty thousand square feet (40,000), or ten (10) percent greater than exists at the date of the adoption of this regulation, whichever is greater, through issuance of a special use permit by the Commission, if the Commission determines that all criteria intent of this regulation is adhered to.
- e. The square footage devoted to a retail use shall be calculated by adding the sum of all individual retail stores for that permits are sought and also to the cumulative sum of related, or successive permits for retail stores that are part of a related retail development, such as additions to a building, or multiple buildings on a lot or adjacent lots.
- f. For purposes of this section, the gross floor area of a retail store shall include gross floor area of all portions of the site outside of the exterior walls, or buildings used for the display, storage, or sale of any goods, wares, or merchandise, except that the gross floor area of a retail store shall not include exterior areas of not more than three thousand (3,000) square feet used for seasonal or temporary sales events.
- g. The gross floor area of adjacent stores shall be aggregated in cases where the stores (A) are engaged in the selling of similar, or related goods, wares, or merchandise and operate under common ownership, or management; (B) share check stands, a warehouse, or a distribution facility; or (C) otherwise operate as associated integrated, or co-operative business enterprises.

2. Driveways and Access

- a. The number of access drives and intersections shall be the minimum necessary to provide reasonable access to the proposed development.
- b. For all development within the HB and LB districts, there shall be a maximum of one driveway access where there is three hundred (300) feet, or less of road frontage. If there is more than three hundred (300) feet of road frontage, there shall be a maximum of one driveway access for each three hundred (300) feet of road frontage.
- c. The use of shared access for adjacent properties shall be provided where feasible, as determined by the Commission.
- d. The maximum width of the driveway shall be the minimum necessary to provide safe and efficient access to the property.

3. Parking

- a. Parking for all uses shall be provided in accordance with the requirements of Section 6.2(D), (E), (F) of these regulations and the following requirements:
 - i. The applicant shall submit information on projected periods of parking usage to the Commission to assist in their determination.
 - ii. The Commission may require that a component of the total parking area that would be utilized only during peak periods of demand be surfaces with an appropriate pervious surface.
 - iii. Traffic lanes in parking lots shall facilitate traffic movement and maneuverability, especially for ambulances and fire fighting vehicles.
 - iv. All areas used for parking and driveways within the zone, except the buffer strip and any other planting strip, shall be provided with a dust free, all-weather surface.
 - v. The perimeter of all parking areas that abut any required buffer strip, another property line, or a street line shall be provided with wheel, or bumper guards, so situated, designed, and maintained, that no part of any vehicle parked therein will extend beyond the zone, or street line, or into the buffer strip. The Planning and Zoning Commission may also require guards, or fences within the area for the regulation of traffic and the alignment of parked vehicles, or for either purpose.

4. Pedestrian Circulation

- a. The development of the site should include facilities for safe and convenient pedestrian circulation.
- b. Each site shall include a comprehensive system of pedestrian circulation, linking key components of the site with relevant external areas.
- c. If contiguous to other existing sidewalks, a concrete walkway with a minimum width of four feet shall be constructed along the frontage of the property, parallel to the public road(s). If there is insufficient room within the right-of-way to construct the sidewalk, it shall be within a public access pedestrian easement.
- d. Walkways with a minimum width of six (6) feet shall be constructed along the entrance of all retail and related uses that may be used by pedestrians.
- e. Pedestrian paths in the form of concrete walkways or areas of the parking area differentiated from vehicular travel areas by pavement shall link the building entrances with parking areas, sidewalks along the street, and adjacent properties, if required.

5. Utilities

- a. No commercial, or industrial development shall be approved unless adequate public utilities are to be provided by the developer.
- b. All development within the HB, LB, and CB districts with a gross floor area of twenty thousand (20,000) square feet, or greater shall be served with public water and sanitary sewage.
- c. No development shall occur without an adequate supply of potable water for consumption and firefighting.
- d. There shall be adequate capacity for sanitary waste disposal generated by the proposed development.
- e. Electric power, telephone, and other cable systems shall be placed underground.
- f. Fire hydrants shall be placed at locations determined by the Commission upon advice from the Fire Marshal.
- g. The design of the proposed development must include storm water management so that the completed development will cause no net increase in storm water discharging from the site during twenty-five (25) year and fifty (50) year storm events when compared to pre-development conditions during such storm events.

6. Signs

- a. All signs shall conform to a theme or design that is compatible with the architecture of the buildings and site.
- b. All signs shall comply with requirements of Section 6.3 of the regulations.

7. Landscaping

A. Intent: These landscaping regulations are adopted for the purpose of:

- i. Protecting property values by preserving existing vegetation and planting new materials;
- ii. Providing privacy from visual intrusion, light, dirt, and noise;
- iii. Preventing soil erosion; providing water recharge areas; and
- iv. Improving the quality of the environment of the Town of Stafford and contributing to maintaining its rural character.

B. Overall Landscaped Area Requirements

- i. All areas of any parcel used for commercial or industrial purposes that is not paved, covered by a building, or left in its natural state as designated on an approved site plan shall be landscaped in accordance with subsection 3 (Perimeter Landscape Area Requirements) below.

C. Perimeter Landscaped Area Requirements

- i. Front Yard – Any lot developed for commercial or industrial use shall provide a landscaped area adjacent to the street that is not less than the width specified in the table below;

Light Business	10 feet
Highway Business	25 feet
Industrial	50 feet
Highway Industrial	30 feet

- ii. The front yard landscaped area shall contain at least one shade tree at least three (3) inches in caliper for each fifty (50) feet, or part thereof of street frontage.
- iii. Side/Rear Yards – Any lot developed for commercial or industrial use shall provide a landscaped area alongside and area lot lines at least ten (10) feet wide with one (1) shade tree at least three (3) inches in caliper for each fifty (50) feet, or part thereof of such lines.

D. Parking Lot Landscaping Requirements

- i. Landscaped end islands and interior islands and planting strips shall be provided in parking lots to avoid the visual and environmental impacts of large expanses of asphalt.
- ii. Landscaping within the parking lots shall contain a minimum of one (1) shade tree, three (3) inch caliper and three (3) shrubs, with a minimum height of twenty-four (24) parking spaces, planted within islands, planting strips, or buffer areas, as provided below.
- iii. There shall be no more than twenty-five (25) contiguous parking spaces without an interior, or end island.
- iv. End islands shall be provided at each end of each row of parking spaces, curbed and landscaped, and a minimum of ten (10) feet wide by eighteen (18) feet long for a single row of spaces and ten (10) feet wide by thirty-six (36) feet long for a double row of spaces.
- v. Planting strips shall be provided in every third (3rd) set of interior parking spaces between abutting rows of spaces, curbed and landscaped, at a minimum width of ten (10) feet. Such planting strips may contain a pedestrian walkway.
- vi. Trees in, or adjacent to parking lots shall be of a variety suitable for a parking lot environment that provide shade, or are capable of providing shade at maturity.
- vii. No parking area, or driveways shall be closer than ten (10) feet from any portion of a building other than its garage entrance, or loading area apron. This ten (10) foot area shall be used for walkways and/or landscaping.
- viii. All curbing to be Cape Cod style curbing.

E. Landscaped Buffer Requirements

Landscaped buffers shall be provided where required by this section and shall conform to the standards illustrated in the buffer yard graphic.

- i. Canopy trees shall be deciduous shade trees planted at three (3) inches in caliper with a mature height of at least thirty-five (35) feet. Under story trees shall be deciduous shade, or fruit trees planted in two (2) inches in caliper with a mature height of at least twelve (12) feet.
- ii. Evergreens shall be coniferous species planted at six (6) feet in height. Shrubs shall be either deciduous species planted at twenty-four (24) inches in height.
- iii. Front Yards – a front yard landscaped buffer, meeting, or exceeding the requirements of the A-1 buffer yard, shall be required in the Industrial Zone, Highway Industrial Zone, or the Highway Business Zone where residentially zoned properties are located directly across the street.
- iv. Front Yards – A front yard landscaped buffer, meeting, or exceeding the requirements of the A-2 Buffer yard, shall be required by the Commission in Highway Business, Local Business, Highway Industrial Zone, or Industrial Zones to screen parking lot areas from the public street.
- v. Side/Rear Yards – A landscaped buffer shall be provided alongside and rear yards where development within Highway Business, Local Business, Highway Industrial Zone, or Industrial Zones, or industrial uses that abut Residential Zones, or uses, in accordance with the following:

Buffer Yard	Between any Highway Business, Local Business Zone, and a Residential Zone
Buffer Yard	Between any Industrial Zone, Highway Industrial Zone, and a Residential Zone

- vi. The Commission shall determine that type of buffer yard within each category shall be based upon a review of the site design, topography, existing vegetation, and abutting land uses. The Commission may authorize the use of existing vegetation in lieu of part, or all of the buffer yard requirements. Also, the Commission may require the substitution of the evergreen plan materials shown in the buffer yard graphic. The use of B1, B2, or B3 berms may also be required by the Commission where deemed appropriate in any buffer yard as an additional buffering mechanism.

F. Existing Vegetation

Existing plant materials may be used to meet all, or part of the landscape regulations. Existing trees in good condition over twelve (12) inches in caliper, within areas designated for landscaping, shall be preserved unless approved for removal by the Zoning Enforcement Officer.

G. Variations to Landscape Requirements

- a. Additional Landscaping – The Commission may require additional landscaping, or more mature plantings when unusual conditions require more extensive

screening or for noise abatement to prevent the depreciation of adjoining residential properties.

- b. **Reduced Landscaping** – The Commission may reduce the landscape requirements by not more than 25% for excellence in building, or space design, where site conditions are appropriate to a revised landscape plan. The Commission shall consider, among other features, the site characteristics, compatibility of proposed structures with surrounding architectural types, quality of building materials, and the size and quality of landscape materials.

1. **Completion of Landscaping**

In new construction, all landscaping shown on the approved plan shall be completed before issuance of a bond in a form and amount satisfactory to the Commission assuring completion within a specific time (not to exceed one year) shall be filed with the Commission. Such bond shall be forfeited if the work is not completed within such time limit.

2. **Landscape Plan Requirements**

Landscape plans shall include a plant list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing planting shall be identified on the plan.

8. **Architectural guidelines**

The following architectural guidelines shall apply to all new construction, reconstruction, or addition within all commercial and industrial districts. The Commission may waive all, or sections of these requirements for building additions of less than two thousand five hundred (2,500) square feet of gross floor area.

1. **Facades**

- a. No uninterrupted length of any façade shall exceed one hundred (100) feet and shall incorporate wall plane projections, or recesses.
- b. The ground floor façade of a retail, or similar use facing a public street, or pedestrian area shall incorporate display windows, awnings, or other such features to create visual interest in the site.
- c. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.
- d. All building facades that are visible from a public street must be attractively designed with windows and other architectural elements so that no visible elevation looks like the back of a building.

2. **Roofs**

- a. Variations in roof lines shall be used in the design of buildings.

- b. Rooftop equipment such as HVAC units shall be screened from public view with parapets featuring three-dimensional cornice treatments.
 - c. The appearance of a flat roof shall be avoided.
3. Materials, colors, and detail features
- a. Building facades shall include a repeating pattern including color, texture, and materials.
 - b. Predominant exterior building materials shall be high-quality materials, such as brick, wood, sandstone, and other native stone or tinted and textured concrete masonry units.
 - c. Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.
 - d. Predominant exterior building materials should not include smooth-faced concrete block, tilt-up panels, or pre-fabricated steel panels.

5.11 Criteria for Approval of Special Use Permit

The Commission shall approve an application for a special use permit only if it finds that the proposed development meets the following criteria:

- A. The proposed development shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and, orderly development of the area in that it is proposed to be situated and will not be detrimental to the, orderly development of adjacent properties.
- B. The location and size of proposed uses, the intensity of operations involved in Connecticut with such uses, the site layout, and their relationship to access streets shall be such that vehicular and pedestrian traffic generated by the use, or uses, shall not be detrimental to the character of the neighborhood.
- C. The proposed development will not hinder, or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
- D. The proposed uses permit the development of the site without the destruction of valuable natural assets, or pollution of lakes, streams, and other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site.
- E. The proposed development will be compatible with the existing and future character of the neighborhood in that the commercial development is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character and uniqueness of the natural resources of the neighborhood, the character and use of existing highway facilities, and the Plan of Conservation and Development.

- F. The location and character of buildings shall create a harmonious grouping and shall be compatible with surrounding structures.
- G. The proposed development shall not create traffic safety hazards, or congestion not consistent with the character of the community. Any improvements to public roads necessitated by the proposed development shall be the responsibility of the developer.
- H. The proposed development shall be of a superior quality site and architectural design that enhances the surrounding neighborhood environment.
- I. The public water supply facilities and facilities for the disposal of sanitary waste have sufficient capacity to accommodate the needs of the proposed development.
- J. The proposed development shall have a positive impact on the overall economy of the community and produce a fiscal benefit to the Town of Stafford.

5.12 Village Overlay District

The use of land, buildings and other structures within the Village Overlay District shall be established and conducted in conformity with the underlying zoning classification subject to the additional requirements of this Section. No lot shall be used, any new building constructed, or any existing building substantially improved until the Commission makes a determination that it complies with the procedures and informational requirements of this Section.

The intent of the Village Overlay District is to encourage the development and redevelopment of village areas within Stafford in such a way that protects, maintains, and enhances their unique character, as described in the 2010 Plan of Conservation and Development, while allowing for investment that maximizes the economic viability for future use. The Village Overlay District is intended to:

- Protect, maintain, and enhance the historic and village character of these areas.
- Provide flexibility in site design, maximizing development potential while ensuring aesthetically pleasing residential, commercial, and mixed use development.
- Create greater opportunities for traditional community living, working, housing, and recreation.
- Encourage a more efficient use of land and public services by promoting compact development in appropriate locations.

The goal of this regulation is to provide a process by which the Commission can encourage and provide incentives that ensure the protection and enhancement of the unique villages that define Stafford’s character and charm.

A. Purpose

The purpose of the Village Overlay district is to provide a process of design review in accordance with the provisions of the Village District Act, Section 8-2j of the Connecticut General Statutes, while increasing awareness of the importance of high-quality design. This review is not intended to discourage or prohibit the use of property; rather its purpose is to enhance the character, landscape and architecture quality of village areas consistent with the Plan of Conservation and Development.

B. Interpretation and Applicability

The Village Overlay District is not to be interpreted as historic preservation regulations or as architecture design regulations that impose strict regulatory requirements upon properties. The Village Overlay District is to be interpreted as a design framework aimed at protecting, maintaining, and enhancing the character of the designated village centers. Therefore, the regulatory provisions of the Village Overlay District shall not be interpreted as rigid regulatory requirements that must be met, but as a framework and set of recommendations to elevate standards for design and quality of investment, while protecting, maintaining, and enhancing the character of Stafford's unique villages. Therefore, the design standards set forth in the Village District Overlay District establish an expectation for greater attention to design and high-quality design that will be considered by the Commission when reviewing applications that require site plan (Section 6.21) and/or special use permit (Section 8.10) approval. Recognizing that higher expectations and standards of design can result in greater costs for new construction, renovations, and rehabilitation, the Commission provides great flexibility in bulk and area dimensional requirements (Section 5.7) and parking requirements (Section 6.2) to better achieve the aim of protecting character and encouraging village style development, which create greater economic value and opportunity.

C. Activities Covered

1. Any new building construction and substantial building or site improvement which requires site plan (Section 6.21) and/or special use permit (Section 8.10) approval as required by these Regulations and which is located within the Village Overlay District is subject to the design and architectural requirements of, and eligible for the special provisions of, the Village Overlay District. Review of each new building or site and substantial building or site improvement shall cover the following to the satisfaction of the Commission:
 2. The design and placement of the building in relationship to the adjacent sites, buildings, and public streets.
 3. The maintenance of public views.
 4. Building façade improvements, including awnings, facing a public street.
 5. The height, size, massing, and proportion of new buildings and proposed modifications to existing buildings.

6. Site design, building placement, landscaping, parking layout, lighting, sidewalk location, and pedestrian accessibility.

D. General Design Standards and Requirements

1. Any new building construction and substantial building or site improvement which requires site plan (Section 8.3) and/or special use permit (Section 8.10) approval as required by these Regulations is subject to the following design requirements. The burden is on the applicant (owner, developer, and/or tenants) to demonstrate their best attempts to satisfy these standards:
2. The proposed improvements protect, maintain, and enhance the unique and historic character of the village.
3. New construction and associated site design are sensitive to the village character and respect the historic architecture within the village.
4. Improvements and renovations of historic buildings are sensitive to and respect the historic architecture. Best attempts should be made to follow the recommendations of “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings”, as amended, and excluding interior renovations. In doing so, the applicant shall explain when said recommendations can’t be followed, the reason or reasons for not following said recommendations, and why the alternatives proposed satisfy the intent of the Village Overlay District.
5. The height, size, massing, proportion, and design of new buildings and proposed modifications to existing buildings are sensitive to and respect the same characteristics of adjacent properties.
6. Site design, building placement, landscaping, parking layout, sidewalk location, and pedestrian accessibility enhance the village aesthetic and experience.

E. Architectural Character and Design Guidance

1. The overall character of the proposed site design and architectural character of proposed structures shall protect property values in the village and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and, preserve public access to scenic views and vistas, and water courses. In the interest of general welfare and to stabilize and protect property values, applicants are encouraged to respect the New England village character of Stafford.
2. New England Architecture Styles:
 1. Colonial, Georgian, Federal, Jeffersonian, Greek Revival, Gothic Revival, Italianate, Shingle Style, and Bungalows. General description of these architectural styles can be found on the Historic New England website’s Architectural Style Guide:

- i. <http://www.historicnewengland.org/preservation/your-older-or-historic-home/architectural-style-guide>
- ii. Other architectural style guides may be considered.

F. Encouraged Materials and Practices:

1. Materials, texture, and color used on the exterior walls and roof should emphasize the use of natural materials or should be those associated with traditional New England architecture. Preferred facade materials are brick, stone, and wood, including narrow-width siding, clapboards, wood shingles, or a reasonable equivalent. Metal, unfinished concrete, or concrete block, and asphalt siding is discouraged. Roofing materials, where visible, should be cedar shake, slate, copper, or a reasonable equivalent. Tarpaper, sheet metal, plastic, or fiberglass surfaces are discouraged.
2. Architectural details characteristic of the particular style and period proposed should be incorporated into the design for new construction and should relate harmoniously to adjacent buildings. Architectural details of a period need not be duplicated precisely, but they should suggest the extent, nature, and scale of the period.
3. Large structures should have well-articulated facades to reduce the appearance of significant bulk. Provision shall be made to coordinate site architecture with the character of the district. Rooflines should be varied to provide architectural interest.

G. Administration and Procedures

In accordance with the Village District Act, Section 8-2j(d) of the Connecticut General Statutes all applications for new construction and substantial reconstruction within the village district shall be subject to review and recommendation by the Village District Consultant. The Commission shall engage an architect or architectural firm, landscape architect, or planner who is a member of the American Institute of Certified Planners as the Village District Consultant, as needed, to provide such reviews. The fees for such Village District Consultant review shall be borne by the applicant in accordance with Section 8.17 of these Regulation. The village district consultant shall review an application and report to the commission within 35 days of receipt of the application. Such report and recommendation shall be entered into the public hearing record and considered by the commission in making its decision. Failure of the village district consultant to report within the specified time shall not alter or delay any other time limit imposed by the regulations.

H. Pre-Application Consultation

Applicants for site plan (Section 8.3) and/or special use permit (Section 8.10) approval within the Village District are required to submit a preliminary concept plan for review by staff. Applications involving new construction or substantial improvements, as determined by staff, may be referred to the Planning and Zoning Commission for a pre-application consultation. The preliminary concept plan shall include:

1. Preliminary Concept Plan Requirements:
 - a. The Concept Plan shall be submitted to the Planning and Zoning Office and shall be accompanied by plans and sufficient information so that staff and the Commission may informally review for general conformance with these Regulations.
 - b. The Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan.
 - c. Such review shall not be binding on the applicant or the Commission and any results or information obtained from it may not be appealed under any provision of the Connecticut General Statutes.
 - d. The Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.
 - e. No fee shall be required for the submission of a Concept Plan or pre-application meeting with the commission.

I. Application

Application for site plan and/or special (cite site plan) use permit approval within the Village Overlay District shall include the following information:

1. **Description of materials:** Color and texture of major building materials, exterior wall elevations of all adjacent structures, drawn at an acceptable scale that allows for design review. When suitable, photos may be submitted, in lieu of drawings.
2. **Streetscape Facades:** Detailed drawing showing design, color, texture and type of materials of proposed building façade facing the public street.
3. **Signs:** Detailed drawing showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included as well as the illumination and light intensity. The uniformity of the signs, placement, and size consistency with adjacent signs shall also be presented.
4. **Utilities:** The location of all utilities serving the building such as transformers, HVAC units, gas and electric meters.
5. **Location:** The placement of new or substantially improved buildings in relationship to surrounding properties, public views from roadways and nearby public spaces.
6. **Lighting:** The design, location and illumination of buildings and light standard fixtures and their consistency with existing light styles.
7. **Compatibility:** A statement of the proposed new building's or substantially improved building's compatibility with the surrounding area or with the "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for

Rehabilitating Historic Buildings, as revised; and the standards set forth the Village Overlay District.

- J. Bulk and Area Requirements - Special Provisions:** Properties which satisfy the standards and requirements of the Village Overlay District are eligible to use the following incentives to facilitate their improvements subject to the approval of the Commission:

Table 1. Village District Bulk and Area Requirements

Residential Zones - Minimum Dimensions	AA	A	B**	C**
Lot area – square feet	44,000	15,000	40,000	44,000
Lot frontage – feet	125	75	175	75
Lot depth – feet	125	100	125	100
Front yard – feet	50	25	50	15
Side yard – feet				
Main building	20	20	30	10
Accessory building *	20	12	30	10
Parking area	5	2	5	5
Rear yard – Feet				
Main building	35	35	50	25
Accessory building *	35	35	50	25
Parking area	5	2	5	5
Maximum height				
Main building – stories	2½	2½	2½	3
Main building – feet	30	30	35	35
Accessory building – stories*	30	30	35	35
Lot area/dwelling unit				
Square feet	30,000	15,000	11,000	7,330
Lot coverage – all buildings				
Percentage	20	20	20	20
* Accessory buildings attached to the main building or in excess of fifteen (15) feet in height shall observe requirements for a main building. Detached accessory buildings fifteen (15) feet or less in height shall comply with Section 3.16.				
** Multi-family dwellings shall not exceed four (4) units/acre in Zone B and six (6) units/acre in Zone C.				

Table 2. Village District Bulk and Area Requirements

Commercial Zones - Minimum Dimensions	LB	HB	CB	IN
Lot area (minimum) square feet	7500	20,000	4,000	40,000
Lot width (minimum) feet	50	100	40*	125
Lot depth (minimum) feet	75	125	0	0
Lot coverage (maximum)	35	35	**	50

Stories (maximum)	3	3	4	4
Height (maximum) feet	35	35	45	45
Front yard (feet)	20	30	**	50
Side yard (minimum) feet ***	10	10	*	15
Rear yard (minimum) feet	15	15	**	15
<p>* Minimum or no less than the average of all lots in the particular block ** No less than the average of all lots in the particular block *** Where two or more parcels under separate ownership are consolidated for development purposes, side yards are required only at the outer side lot lines of the consolidated parcel, provided the buildings are built on the common lot line.</p>				

K. Parking – Special Provision:

The parking ratio in Village Overlay Zone shall not be applied to changes in use to an existing site and building, unless the gross building area is increased by more than 500 square feet.

L. Application Decisions:

If the Commission grants or denies an application, it shall state upon the record the reasons for its decision. If the Commission denies an application, the reason for the denial shall cite the specific regulations under which the application was denied. Notice of the decision shall be published in a newspaper having a substantial circulation in the municipality. An approval shall become effective in accordance with subsection (b) of Section 8-3c of the Connecticut General Statutes.

No approval of the Commission under this section shall be effective until a copy thereof, certified by the Commission, containing the name of the owner of record, a description of the premises to which it relates and specifying the reasons for its decision, is recorded in the land records of the town in which such premises are located.

Article VI

Site Development Standards

6.1 Screening and Landscaping Standards

A. **Statement of Purposes:** The following standards are intended to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare, and accumulation of dust; to provide privacy from noise and visual intrusion; and to prevent the erosion of soil, excessive runoff of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies.

B. **Definitions:**

1. **Effect:** The visual impression desired from screening and landscaping.
2. **Large trees:** Deciduous shade trees such as Sugar Maple, Pin Oak, London Plane, or Linden, and conifers as White Pine, Austrian Pine, or Canadian Hemlock. Three-quarters ($\frac{3}{4}$) of the required large trees shall be at least two-and-one-half to three inches ($2\frac{1}{2}$ "–3") in caliper at the time of planting and one-quarter ($\frac{1}{4}$) shall be at least four to four-and-one-half inches (4"–4½") in caliper at the time of planting.
3. **Flowering trees:** Trees such as Dogwood, Redbud, or Crabapple.
4. **Ground cover:** A medium used in a confined area to check or prohibit the growth of undesirable plant materials. Ground cover may consist of plants such as Pachysandra and Myrtle or of materials such as white gravel, brick, or stone paving, in combination with live planting materials.
5. **Hedge:** A hedge shall provide complete visual screening and consist of evergreens at least four (4) feet in height at the time of planting and it shall be maintained at a height of at least six (6) feet.
6. **Screening fence, or screening wall:** These are devices for complete visual screening. They shall be at least six (6) feet in height and three-quarters ($\frac{3}{4}$) solid.
7. **Partial visual screening:** A type of screening through that the screened object is partially visible.
8. **Complete visual screening:** A type of screening that affords a year-round effect and through that the screened object is obscured.
9. **Landscaped:** The term landscaped or landscaping shall mean that an area be at least covered with grass or ground cover. Any additional planting is either specifically required by the ordinance or left to the discretion of the property owner.

C. General Screening Standards:

1. Landscaping, trees, and screening plants required by the Zoning Regulation shall be planted and in a growing condition according to accepted horticultural practices, and they shall be maintained in a healthy growing condition. Any landscaping, trees, and screening plants that are in a condition that does not fulfill the intent of this ordinance shall be replaced by the property owner during the next planting season for the particular plant material.
2. A screening fence or wall required by this ordinance shall be maintained by the property owner in good condition throughout the period of the use of the lot.
3. All landscaping, trees, and screening material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.
4. To the extent that existing healthy trees, if properly located, are preserved, they shall be fully credited against the requirements of the Zoning Regulations. The Commission may determine that trees shall be preserved as part of the site plan.

D. Screening Specifications: The following specifications are considered as prototypes. In order to comply with the stated “desired effect,” the number and spacing of required trees and the width of the screening strip may be varied.

1. **Type “A” screening:** The desired effect is partial visual screening. The width of the screening strip may be varied; however, it shall be at least five (5) feet. Plant material shall consist of large trees spaced forty (40) feet on centers or flowering trees spaced about twenty (20) feet on centers or a mixture of both. Where a continuous landscaped screening strip is impractical, the trees may be located in islands at least twenty (20) square feet in area.
2. **Type “B” screening:** The desired effect is partial visual screening between zoning districts of different classification. Plant material shall be the same as specified for Type “A” screening except that one-half (½) of the trees shall be evergreens and the number of trees required is doubled.
3. **Type “C” screening:** The desired effect is complete visual screening of parking and loading areas. The screening material shall consist of a hedge, screening fence, screening wall, or a combination thereof. The screening strip shall be at least five (5) feet wide for a fence or wall and landscaped and at least ten (10) feet for a hedge, unless a greater width is required elsewhere in the Zoning Regulations.
4. **Type “D” screening:** The desired effect is separation and partial visual screening without creation of visual obstructions for traffic. The screening material shall consist of planting materials with low growth habits interspersed with flowering trees at about twenty (20) feet on center and deciduous shade trees spaced forty

(40) feet on center. Said strip shall not be less than ten (10) feet within the property line.

- E. **Screening and Landscaping:** The Commission may consider and approve such modifications in the above standards in a specific case where the Commission makes a finding that equivalent or superior screening will be provided.

6.2 Off-street parking and loading regulations:

Parking facilities shall be provided off the street or highway right-of-way, on all premises, sufficient to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting the premises at any one time.

Properties in the Central Business District shall not be required to adhere to these requirements when new construction is involved and/or uses are changed. However, such activities may be subject to review and approval by the Commission to determine that such proposals do not create parking, or loading problems in the district. Each proposal shall be considered on its own merit. (Effective 7/15/95)

A. Submission and Approval of Plans:

Applications for zoning permits (Effective 11/15/03) except for one (1)- and two (2)-family houses shall be accompanied by a plot plan drawn to scale, showing the location, size, and arrangement of off-street parking and loading facilities required by these regulations and the means of access to said facilities from the public street and any separate egress from such facilities. Such parking plan shall also show proposed screening, landscaping, lighting fixtures, drainage, and other improvements. The parking plan shall be submitted to the Zoning Enforcement Officer for approval as complying with the Zoning Regulations, including adequate relationship of entrances and exits to the flow of traffic on the public streets, safeguarding of pedestrians on public sidewalks and in the parking facility itself, and to the adequacy of access and circulation of the vehicles and pedestrians using the parking facility. The parking plan shall be approved before a building and/or zoning permit is issued.

B. Location of Parking Facilities:

The parking and loading facilities that are required by these regulations shall be provided on the same lot or premises with the structure or land use they are to serve. If a lot cannot accommodate the required parking facilities, the board may grant off-site parking.

C. Parking Specifications:

1. Parking and loading facilities shall be designed to provide for safe circulation of vehicular and pedestrian traffic within the parking area and in relation to adjacent streets.
2. Parking and loading facilities shall be laid out so that vehicles shall enter and leave the public street or right-of-way only at the approved entrances and exits.

3. All parking spaces in parking areas of more than twenty-five (25) cars and all loading spaces shall be so located that vehicles entering or leaving such spaces do not block any entrance drive to the parking facility within twenty (20) feet of any street.
4. Any area of one hundred (100) square feet or more in a parking lot that is not required for a parking space, loading space, aisle, driveway, or walkway shall be landscaped. In every parking area, at least one (1) tree shall be provided for each ten (10) parking spaces provided in said parking area. The trees shall be distributed over the entire parking lot. Where possible, end islands shall be large enough to accommodate deciduous shade trees. In general, there shall not be more than ten (10) contiguous parking spaces without separation by a landscaped area, suitably planted.
5. Provisions shall be made to prevent vehicles from overhanging any walkway and from damaging trees or other landscaping materials. If a parking lot abuts a street line, a landscaped strip at least ten (10) feet by five (5) feet wide shall be provided on the interior side of the property line to prevent encroachment on the street or any sidewalk. A sidewalk within the right-of-way may be required by the Commission if, in its opinion, circumstances warrant such facility.
6. Off street parking must provide for handicapped parking in conformance with ADA regulations. Each space must be as a minimum, one handicapped parking space for up to twenty-five (25) spaces and one handicapped parking space for each twenty-five (25) additional spaces.
7. Dimensions of parking spaces and aisles shall be at least as follows:

Width of space: nine (9) feet or ten (10) feet if adjacent to wall or column.		
Width of handicapped space: fifteen (15) feet with additional 6-foot-wide cross hatch aisle located on right side of vehicle's approach to the space.		
Length of space: 18 feet		
Width of Aisle	Two-way	One-way
If spaces are at an angle of 80 degrees or more to the aisle.	24 feet	24 feet
If spaces are at an angle of 70 degrees to 79 degrees to the aisle.	20 feet	19 feet
If spaces are at an angle of 60 degrees to 69 degrees to the aisle.	20 feet	18 feet
If spaces are at an angle of 40 degrees to 59 degrees to the aisle.	20 feet	13 feet
If spaces are at an angle of less than 40 degrees to the aisle.	20 feet	12 feet

8. Dimensions of loading spaces shall be at least as follows:
 - a. Full loading space 12 feet x 45 feet
 - b. One-half loading space 12 feet x 22.5 feet

D. Temporary waiver of complete installation of parking facilities:

The Commission may waive the immediate installation of up to one-half (½) of the parking requirement for any proposed use, if, upon application and submission, in the commission's opinion sufficient evidence as to the reasonableness of the application was

shown and the reduced parking supply will adequately serve said land use. The plot plan of the land use, however, shall show the complete layout for the full parking requirement in conformance with the reasons for the waiver. The Commission shall require the installation of additional parking facilities up to the full parking requirement if, in the Commission’s opinion, such installation becomes necessary. Before the approval of the waiver, the applicant shall file an agreement with the Commission stating that he, his heirs, and assigns will install such additional parking facilities within six (6) months after the date of the Commission’s vote to require such installation.

E. Schedule of Off-Street Parking Requirements:

The following schedule of parking requirements shall apply: singularly for a single use and in combinations for more than one use:

Use	Spaces required
1. Dwelling	Two (2) per dwelling unit
2. Dwelling with medical or dental office	Two (2) per dwelling unit, one (1) per employee plus four (4)
3. Dwelling with professional office	Two (2) per dwelling unit, one (1) per employee plus two (2)
4. Dwelling with home occupation	Two (2) per dwelling unit plus one (1)
5. Temporary Farm Stands	Minimum of four (4)
6. Theater, assembly hall or auditorium with fixed seats	One (1) per three (3) seats
7. Other spaces of public assembly or recreation	One (1) per six (6) legal occupants
8. Hotel or boarding, rooming or tourist home	One (1) per guest sleeping room plus office and restaurant requirement where applicable. Meeting and conference rooms: one (1) per three (3) persons of design capacity
9. Convalescent or nursing home; hospital	One (1) per three (3) beds
10. Bowling alley	Three (3) per lane
11. Business offices and banks	One (1) per two hundred and fifty (250) square feet of gross leasable area. (Effective 4/1/06)
12. Retail and personal service stores	One (1) per two hundred and fifty (250) square feet of gross leasable area. (Effective 4/1/06)
13. Gasoline service station	Minimum of five (5) spaces
14. School	Twenty (20) plus one (1) per staff member. For 11 th and 12 th grades or above, an additional one (1) per four (4) pupils.
15. Restaurants	One (1) per three (3) seats.
16. Physician’s or dentist’s office, clinics	One (1) per doctor one (1) per employee and two (2) per examining room
17. Industrial uses including wholesale and storage	Two (2) per each three (3) employees employed or intended to be employed on the largest shift when the capacity of building is in full use.
18. A drive-in window shall have at least five (5) waiting positions between the street line and said window for cars approaching and at least one (1) waiting position for cars leaving said window. Waiting spaces shall not block other circulatory aisles or obstruct entrance or exit visibility and shall not cross pedestrian ways.	

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| 19. An attendant-operated car wash shall have at least ten (10) waiting positions on the property for each bay entrance and at least two (2) waiting positions for cars leaving a bay. |
| 20. For uses not mentioned above, the minimum number of parking spaces shall be determined by the Commission. |

F. Off-Street Loading Space Requirements:

Use Classification and Building Size	
Retail store buildings:	
2,000-5,000 square feet	½
5,000-25,000 square feet	1
25,000-50,000 square feet	2
Each additional 50,000 square feet or part thereof	1 additional
Office, apartment, institution, hotel, theater, public assembly building:	
5,000-25,000 square feet	½
25,000-50,000 square feet	1
Each additional 100,000 square feet or part thereof	1 additional
Industrial and warehousing buildings:	
0-50,000 square feet	1
50,000-100,000 square feet	2
Each additional 100,000 square feet or part thereof	1 additional

Note: All building areas are gross floor areas.

G. Driveways:

A common driveway is a driveway that provides access to two (2) or more lots. Common driveways serving residential building lots shall be limited to providing access to no more than two (2) lots. (Effective July 27, 2005)

6.3 Sign Regulations

The sign regulations are designed and adopted in compliance with Section 8-2 of the Connecticut General Statutes and with the aim of being content neutral. Where distinctions are made between the type of signs, such distinctions are made with the aim of protecting public health, safety, and welfare and are not intended to regulate the content of speech.

A. Measurement of sign area:

The area of a sign shall be considered to be that of the smallest rectangle or triangle that encompasses all lettering, wording, design, or symbols together with any background different from the balance of the wall on that it is located, if such background is designed as an integral part of and obviously related to the sign. The supports that affix a sign to the ground or to a building shall not be included in the area of the sign unless such supports are obviously designed to be part of the sign as defined in these Regulations.

B. Sign Location:

1. No sign shall project more than sixteen (16) inches from the face of a structure and not more than twelve (12) inches beyond any street line, and it shall be at least ten (10) feet above the level of any walkway it may overhang.
2. Each unit of occupancy above the first floor may only display a sign on the inside of each window serving said unit of occupancy provided that the combined area of such signs shall not exceed six (6) square feet.

C. Height of Signs:

1. No sign attached to a structure shall project more than two (2) feet over the top of the exterior wall of such structure at the location of the sign, except that in an industrial district, a sign may project up to six (6) feet over the top of the exterior wall of such structure provided the sign is not within five hundred (500) feet of the boundary of a residential district.
2. Where more than one (1) sign is permitted on a building, such signs shall be of uniform height and shape.

D. Temporary Signs:

Signs or advertising and communication devices temporarily attached or temporarily painted on a door, window, wall or installed in yards announcing special events are permitted. Temporary signs may be installed two-weeks before said special event or activity and shall be removed within forty-eight (48) hours of the termination of such special event or activity. Temporary signs shall be permitted for the duration of the special event or activity. In no case, can a property, individual, business, or occupant utilize or claim continual special events or activities as a means of justifying or legitimizing the continual display of temporary signs.

E. Illuminated and Moving Signs:

1. A sign may be illuminated if illumination is confined to or directed to the surface of the sign. No flashing, rotating, or intermittent illumination shall be permitted except signs indicating time and/or temperature by means of white, intermittent lighting provided the longest dimension of such a sign does not exceed five (5) feet.
2. No sign shall be mechanically rotated or moved provided the longest dimension of such signs does not exceed three (3) feet.
3. The light sources of signs shall be so designed and shielded that the sign does not shed light or create undue glare beyond the property lines of property on that the sign is located.

F. Sign Permits and Tenure:

All signs, including temporary signs, under this Regulation or special use permit shall require the approval of the Zoning Enforcement Officer unless otherwise noted and shall meet all requirements of the Building Code and the Zoning Regulations. Applications for

permits shall be made on forms supplied by the Zoning Enforcement Officer. Failure to maintain signs shall be considered a violation of this Regulation. Permits for temporary signs shall include a statement describing the special event or activity and the start and end dates of said event or activity. Upon discontinuance of a tenancy, it shall be the responsibility of the tenant and/or property owner to eliminate signs pertaining to a removed use, business, or proprietor within thirty (30) days of such discontinuance of tenancy.

G. Architectural Harmony of Signs:

All signs attached to a building shall be designed to be in harmony with the architecture of the building and with each other.

H. Signs in Residential Districts:

The following signs shall be permitted in residential districts and all other signs are expressly prohibited. (Effective 12/15/04)

1. Signs giving the name and/or address of the property are permitted provide there is only one such sign, it does not exceed two (2) square feet, and is located 10 feet or more back from the street line. Address numbers on a mailbox are excluded from this provision. Such name and address signs related to property address, including the name of the property owners, are allowed and regulated specifically to protect public health, safety, and welfare in regards to providing emergency services.
2. Common interest communities and apartment developments, where multiple residential units exist on private drives, may have no more than two (2) entrance signs, not to exceed thirty (30) square feet each, and located ten (10) feet or more back from the street line at the entrance to development. Such entrance signs are allowed and regulated specifically to protect public health, safety, and welfare in regards to providing emergency services.
3. Non-residential uses in residential zones may have two (2) signs, a pole or monument sign not to exceed twenty-four (24) square feet and a wall sign not to exceed thirty (30) square feet. The monument sign shall be located 15 feet or more back from the street line.
4. Temporary yard signs may be installed two-weeks before the specified special event. Such signs may remain for the duration of the event and shall be removed immediately after—within 48 hours—the termination of such special event. There shall be only one temporary signs in residential zones, said sign shall not exceed nine (9) square feet, and shall be located ten (10) feet or more back from the street line.
5. Traffic and roadway signs, as required by local, state, and federal law. Local, state, and federal highway standards shall dictate the size and location of said sign in the street right of way.

I. Signs in Business and Industrial Districts:

The following signs are permitted in any business or industrial district and all other signs are expressly prohibited:

1. Signs permitted in a residential district:
2. Signs advertising the use of the land and building upon that displayed and the sale of goods or services on the premises and the name and location of the proprietor as follows:

Maximum area of sign	Location (See also Sec. 3.42 General Regulations)	Permit Required
a. The total permitted exterior area on any premises shall be computed as follows: The total combined sign area for each unit of occupancy on the first floor and permanent ground signs shall not exceed two (2) square feet for each lineal front foot of exterior building wall.	Back of street line	Yes
b. One detached double-faced sign may be erected on each lot or on each two hundred (200) lineal feet of building frontage, whichever is more restrictive. Such signs shall not exceed thirty-two (32) square feet in total area per lot per sign face. A detached sign shall not exceed twenty (20) feet in height nor be within twenty (20) feet of a side lot line.	Ten (10) feet back of street line	Yes
c. Within ten (10) feet of each entrance of a building, one (1) common sign may be provided allowing not more than two (2) square feet of sign area for each unit of occupancy that is served by said entrance. The total area of each common sign shall not exceed twenty-four (24) square feet.	Back of street line	Yes
d. Each unit of occupancy above the first (1 st) floor may only display a sign on the inside of each window serving said unit of occupancy provided that the combined area of such signs shall not exceed six (6) square feet.	-	No
e. One (1) portable sign of up to twelve (12) square feet in total area may be located on each street frontage of a property and shall be removed daily. The sign shall be removed immediately if, in the opinion of the Zoning Enforcement Officer, it endangers pedestrian or vehicle movement or is not maintained in good condition. Lighted portable signs are not permitted except by government agencies in conjunction with road construction or maintenance.	Back of street line	No
f. Other outdoor advertising devices: Outdoor advertising devices including, but not limited to, plaques, banners, pennants, streamers are permitted for a period of not more than two (2) weeks after the opening of a new business.	Back of street line	No
g. A unit of occupancy that does not have a free-standing sign displayed on a property may join with other units to provide a common sign. Such sign shall be within the total square footage allowed on the premises. Said sign may be attached to a double-faced sign as permitted under #b. above. Each unit of occupancy shall be limited to four (4) square feet per face.	Ten (10) feet back of street line	Yes

J. Design Incentive in Business and Industrial Districts:

In Business and Industrial Districts, a fifteen percent (15%) increase in the total allowable size of signs as allowed in Section 6.1(I)(2)(a) and (b) may be granted, provided the following standards are met:

1. The sign or signs are not made of plastic.
2. The sign or signs is not internally illuminated.
 - a. Halo illumination is acceptable if reverse pan-channel letters with an internal light source reflecting off of the building are used for “halo” illumination and the light source is not visible.
3. The sign or signs is designed with the overall context of the building and character of the surrounding area.
4. The sign or signs is in proportion to the building, so they do not dominate the building appearance.
5. The sign or signs are made of wood (or a synthetic wood-like a material), metal, or other material that is architecturally consistent with the building facade.
6. The sign or signs are exterior lit by a shielded lamp directed at the sign and/or building façade in such a way as to prevent glare and the leakage of light of the property.

K. Severability:

The provisions of these Sign Regulations are declared severable, to the maximum extent permitted by law. If any provision or provisions of these Sign Regulations or the application thereof to any person or circumstance is held invalid or unlawful, it is the intent of the Planning and Zoning Commission that said invalidity shall not affect other provisions of these Regulations, which shall remain in full force and effect as if such portion so declared invalid or unlawful were not originally part of these Regulations, even if the surviving parts of the Regulations result in greater restrictions after any unlawful provisions are stricken. In particular, and without limitation, in the event any portion of these Regulations are declared invalid as applied to noncommercial signs, the Regulations, or any surviving portions thereof, shall remain in full force and effect as applied to commercial signs.

Article VII

Special Regulations

7.1 Seasonal Dwellings

As used in this Regulation, a seasonal dwelling is a dwelling that is not designed or constructed for year-round occupancy, which may be lacking one or more of the following: 1) central heating; 2) no basement or cellar; 3) indoor plumbing; 4) potable water supply; 5) electricity; or 6) insulation.

A. Seasonal Use for Campgrounds and Existing Cottages:

Seasonal dwellings may be used during the period of April 15 through October 15. From October 15 to April 15 no person or persons may reside therein for a total of more than thirty (30) days.

B. Conversion of Seasonal Dwellings:

Nothing in these Regulations shall prevent the expansion or alteration or conversion to year-round occupancy of existing seasonal dwellings providing that:

1. All such enlargements and conversions meet the applicable yard requirements and do not exceed the maximum allowable lot coverage of the district in that it is located; and
2. That, in the written opinion of the Stafford Health District, the existing or proposed septic system meets the current State Health Code including but not limited to the size of the septic tank and the capacity of the leaching system for the number of bedrooms of said structure or said dwelling is connected to a public sewer system; and
3. That all conversions to year-round use shall meet the minimum livable floor area of the district in which it is located.

7.2 Earth Removal/Blasting

A. Definitions: (Effective April 25, 2007)

1. **Minor Landscaping:** Less than one (1) acre of disturbed area, associated with construction, building
 - a. Alterations or installation of subsurface utilities.
2. **Gravel Bank:** Commercial earth removal or mining operation for the purposes of excavation, processing, and/or blasting from the premises on a continuing basis, excluding bona fide farming operations who manufacture loam on site and

permitted retail operations where products are delivered to and sold on the premises, retail only.

B. Temporary Earth Removal Operation: An operation associated with landscaping or agricultural use where the disturbed area exceeds one (1) acre, excluding minor private residential landscaping of less than one half (1/2) acre not associated with a commercial operation.

1. **General:** There shall be no excavation or removal from the premises in any district of sand, gravel, stone, loam, dirt, or other earth products except in connection with necessary excavation or removal of surplus material resulting from a bona fide construction or alteration of a building structure and/or installation of subsurface utilities, minor landscaping associated with such construction or alterations or minor landscaping associated with residential use or agricultural operation to be executed on the premises disturbing less than one (1) acre or except in connection with a special use permit use granted by the Commission authorizing such excavation or removal under the conditions hereafter specified. Special use permit is required for any operation where one (1) or more acres are to be disturbed throughout the life of the project. (Effective 4/25/2007)
2. **Application:** An application in writing for a special use permit shall be submitted to the Commission for any excavation or removal of material not part of a bona fide construction project. Said application shall be submitted by the property owner or his/her authorized agent; it shall be accompanied by a plan of operation including maps and drawings prepared by a Connecticut-licensed engineer and land surveyor; and it shall include the following information:
 - a. A map showing the location of boundaries of the property on that the excavation is to take place, the location of area to be disturbed, and the estimated amount of material to be removed. If any excavation is within one hundred (100) feet of an abutting boundary, the map is required to be derived from an A2 survey. If the excavation is over one hundred (100) feet from an abutting boundary, the Commission may, at their discretion, allow the map to be derived from a Class D survey. (Effective 4/25/2007)
 - b. Grading plan at a scale of one (1) inch equals forty (40) feet (1" = 40') or less prepared from an actual field survey and based on a bench mark noted and described on said map showing existing topography in the area to be excavated and proposed future topography and indicating contour lines at not more than two (2)-foot intervals within the premises and within one hundred (100) feet of the area surrounding the excavation;
 - c. Existing and proposed drainage on the site and ground water level as determined by subsurface explorations;

- d. Proposed truck access to the excavation, the number and type of trucks, or other machinery to be used on the site, the type of processing to be used, and the location and type of any buildings to be erected;
 - e. Written permission for the inspection of the site at any reasonable time by a duly authorized representative of the Commission;
 - f. In addition to the above requirements, the Zoning Commission may request that data related to soil conditions, locations, and depth to rock ledge be submitted.
3. **Approval:** The Commission, after public hearing, may grant a special use permit or renewal of a permit to excavate for a period not to exceed three (3) years for a gravel bank and one (1) year non-renewable for a temporary earth removal operation only when it is satisfied that the following conditions will be complied with: (Effective 4/25/2007)
- a. That the proposed excavation will not impair the future use of the property in accordance with these Zoning Regulations and that the slopes and banks will not impair good development and safe use of the property after excavation;
 - b. That the premises will be excavated and graded in conformity with the plan of operation as approved; and any deviation from said plan, without the consent of the Commission, shall be cause for the Commission to revoke the permit;
 - c. That there will be no excavation or removal within fifty (50) feet of any property or street line except to an elevation equal or above the established grade of the adjoining street or property;
 - d. That there will be no excavation to a depth of less than six (6) feet above natural water table;
 - e. That processing such as screening, sifting, washing, crushing, or other forms of processing may be conducted on the premises of a commercial gravel bank within the guidelines set in a special use permit in concert with the Special Use criteria as written under Section 8.10(A) of the Zoning regulations; (Effective 4/24/2007)
 - f. Processing such as screening, sifting, washing, crushing, or other forms of processing may be conducted on the premises of a temporary earth removal operation or bona fide construction project by a temporary processing permit, providing all operations comply with the regulations herein. (Effective 4/25/2007)

- i. Temporary processing permits will be good for six (6) business days from the date issued. This permit may be modified or renewed at the discretion of the Commission. Temporary processing permits may be renewed up to three (3) times for a total of four (4) permits per calendar year and must be used within thirty (30) days after approval by the Commission.
- ii. In the case of a residential subdivision development, a temporary processing permit can be issued, for processing of material on the overall construction site, until seventy (70) percent of the homes in the subdivision have been issued a certificate of occupancy by the building department. Once seventy (70) percent of homes in the subdivision have issued a certificate of occupancy, no temporary processing permits shall be issued. Activities related to the bona fide construction of a single family home, when less than two (2) acres are being disturbed, are exempt from this subsection.
- g. That, if arable soil exists within the site, the applicant has made provisions for storing and retaining within the premises at least six (6) inches of the top layer of said soil for use, after excavation and/or removal operations are completed, as specified herein;
- h. That at all stages of operation, proper drainage will be provided to prevent the collection and stagnation of water to prevent soil erosion and to prevent harmful effects upon surrounding properties, and proper slopes will be maintained to prevent dangerous overhang;
- i. That, during the period of excavation and removal, such barricades or fences will be erected as may be necessary for the protection of pedestrians and vehicles;
- j. That truck access to the excavation will be arranged to provide a minimum site line of two hundred and fifty (250) feet as to minimize danger to traffic. Proposed site lines must be approved by the Stafford Department of Public Works or the State of Connecticut DOT, whichever applies. Proper provisions shall be made to control the nuisance of dust and mud to the surrounding properties and road ways where equipment and trucks will be entering and exiting the site. Anti-tracking aprons shall be installed and properly maintained at the site entrance of all commercial gravel band or temporary earth removal operations. (Effective 4/25/2007)
- k. That, when excavation and removal operations or either of them are completed or if a permit has expired and not been renewed, the excavated area will be graded so that gradients in disturbed earth will not be steeper than a slope of three-to-one (3-1) (horizontal-vertical) or whichever lesser slope is necessary to maintain stability under particular soil conditions; that

a layer of arable soil obtained from material stockpiled on the site, or from elsewhere if no on-site stockpile is available, will be spread over the excavated area to a minimum depth of three (3) inches; that the area will be covered with a perennial rye grass or other equally suitable vegetation; and that it will be maintained until accepted by the Commission.

- l. The following table of minimum setback requirements shall be applicable to any use falling under the requirements of Section 7.2: (Effective 4/25/2007)

Minimum Required Distances	Residential Home	Abutting Property Line
Excavation	100 feet	50 feet
Screening	200 feet	100 feet
Crushing	1000 feet	250 feet

- g. The following table for hours of operation shall be applicable to any use falling under the requirements of Section 7.2: (Effective 4/25/2007)

Hours of Operation:

- i. Commercial Gravel Operation: Mon-Sat 8:00 a.m. to 4:00 p.m. for excavating and processing
- ii. Mon-Sat 7:00 a.m. to 5:00 p.m., Sun – 10:00 a.m. to 2:00 p.m.
- iii. For all other operations: Sunday operations allowed in HB, LB and IN zoning districts **only**.
- iv. No operations on New Year’s Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.
- v. Temporary Earth Removal: Mon-Sat 9:00 a.m. to 4:00 p.m. for all operations.
- vi. No operations on New Year’s Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas.

C. Blasting: Blasting to remove earth products is permitted under the following conditions: (Effective 5/4//1998)

1. Blasting is permitted as a special use in conjunction with a valid earth removal permit. Blasting shall be included as part of earth renewal permit process. If blasting is proposed for a new area on a site, applicant must first apply for a special use permit, submitting a plan of operation as outlined in Section 7.2(B)(2), to include area of proposed blasting.
2. No blasting shall be allowed within two hundred and fifty (250) feet of a residential dwelling or well without written consent of property owner.
3. Blasting may be conducted Monday through Friday during the hours of 8:00 a.m. to 2:30 p.m. No blasting on holidays.
4. All Blasting shall be done under the direction of the Town of Stafford Fire Marshall or the Assistant Fire Marshall, and all applicable State laws and

regulations promulgated by the Office of the State of Connecticut Fire Marshall shall be controlling.

5. Blasting for utilities and building foundations shall not be governed by these regulations.

D. Performance bond: Upon approval of the special use permit and prior to the start of any excavation, the applicant shall file a performance bond with the Treasurer of the Town of Stafford in form approved by the Town Attorney and in an amount established by the Commission. The Commission may, at the applicant's expense, hire a professional engineer to review the applicant's site plan and provide a cost analysis for reclamation of the land as a guide for determining said bond. Prior to full or partial refund of said bond, an inspection of the disturbed area by a duly appointed official of the Town of Stafford or said Engineer, shall be completed to insure compliance with the conditions set forth herein. (Effective 4/25/2007)

E. Enforcement: As a condition for granting a special use permit, the Commission may require the applicant to submit periodic reports of progress with the excavation or removal, including contours and cross sections, prepared and certified by an engineer or land surveyor licensed in the State of Connecticut. If at any time the Commission finds that the excavation is not being conducted in accordance with the plan of operation as approved, the Commission may order the applicant to cease operations.

7.3 **Regulations concerning kennels, veterinary hospitals, and commercial animal agriculture uses:** (Effective 12/19/2003) (Rev. 9/28/10).

The purpose of these controls is to insure the protection of the public health, safety, and welfare of the residents of the Town of Stafford. *Effective January 1, 2004, dogs kept at locations not being used as commercial kennels, grooming facilities, or training facilities are exempt from these regulations. Effective February 1, 2004, the exemption to Section 5.02 shall only apply to households with five (5) or fewer dogs and will include all household dogs registered with the Town Clerk as of January 30, 2004. Households having more than five (5) registered dogs as of January 30, 2004, shall be permitted to renew the registrations for the lives of the dogs, but such households shall not be permitted to keep any additional dogs until attrition has reduced the total number of dogs to four (4) or less.*

- A. Commercial Kennel and/or Dog Training Facility:** Said uses may be permitted as special permit uses within the corresponding district providing:
1. That the lot area is no less than ten (10) acres;
 2. That a maximum total of thirty (30) dogs are kept in the kennel building(s);
 3. That no building for the boarding, breeding, or selling of dogs, or exercise run is within three hundred (300) feet of any property or street line;

4. That any building housing dogs shall be of solid construction, be masonry, or conventional framed with sheathing and insulation, shall have finished interior walls, and all external doors shall be of solid core construction;
 5. That exercise runs shall have finished floors with covered drains and shall be separated by solid partitions of at least four (4) feet in height;
 6. That all ceilings shall be insulated and finished with sound absorbent materials;
 7. That kennel rooms shall be mechanically ventilated and shall not have windows that open;
 8. That no animals shall be housed in outside kennels, and
 9. That the special use permit shall be renewable after two years.
- B. Noncommercial Kennel:** Said use may be permitted as special permit uses within the corresponding district providing;
1. That the lot area is no less than five (5) acres;
 2. That a maximum of ten (10) dogs are to be kept at the residence;
 3. That the dogs are kept inside the residence from 9 p.m. to 7 a.m.;
 4. That a fence adequate to contain the dogs during exercise is provided and that no part of the fence is within fifty (50) feet of any property or street line;
 5. That landscape buffers be included in the plan submitted with the application for a special permit, and
 6. That the special use permit shall be renewable after two years.
- C. Veterinary Hospital:** Said uses may be permitted as special permit uses within the corresponding district providing;
1. That the lot area is no less than four (4) acres in AAA and AA districts and two (2) acres in LB and HB districts.
 2. That a maximum total of thirty (30) animals are kept in the kennel building(s);
 3. That no building for caring of animals is within fifty (50) feet of any property or street line in AAA and AA districts. Setbacks in LB and HB districts shall be twenty (20) feet on the side and rear and thirty-five (35) feet from the front property line;
 4. That any building housing animals shall be of solid construction, be masonry or conventional framed with sheathing and insulation, shall have finished interior walls, and all external doors shall be of solid core construction;
 5. That all ceilings shall be insulated and finished with sound absorbent materials;
 6. That rooms where animals are kept shall be mechanically ventilated and shall have no opening windows;

7. That no dogs shall be housed in outside kennels, and
 8. That landscape buffers be included in the plan submitted with the application for a special permit.
- D. **Grooming Facility:** Said use may be permitted after site plan review by the Zoning Enforcement Officer when used only for grooming animals in HB and LB zones the following conditions are maintained:
1. The facility is established in an existing commercial building designed for multiple tenants and;
 2. The total floor space of the facility does not exceed 1,500 square feet and;
 3. Animals shall not be kept overnight and;
 4. All animals shall be kept inside a building constructed to reduce animal noises and;
 5. All other facilities, when used only for the grooming, shall have no overnight boarding and must comply with all other standards of section 7.3(C) of these regulations.
- E. **Horse and pony farms, riding academies, or boarding stables:** Said uses may be permitted as commercial animal agriculture, under a special use permit within the corresponding district providing;
1. The lot area is no less than (10) acres; and
 2. That the lot area allocated for the keeping of animals is provided at the rate of three (3) acres of open land for the first horse or pony on the premises and one (1) additional acre for each additional animal thereafter; and
 3. That no riding ring or boarding stable or any similar structure or area for the keeping of animals or for the storage of fertilizer or manure will be located closer than three hundred (300) feet to any property line or street line, lot line, or to any building, structure, or area intended or used for permanent or temporary human habitation on property other than that of the proprietor.
 4. A single dwelling for a full time caretaker or watchman may be allowed on the premises but shall be limited to three (3) rooms totaling seven hundred fifty (750) square feet of living space. Said dwelling shall not be freestanding and shall be an integral part of a building housing horses or facilities.

7.4 Regulation concerning the keeping of animals and associated structures associated with non-commercial animal agriculture (Rev. 9/28/10)

- A. **Purpose:** The purpose of these controls is in furtherance of the public health, safety, and welfare of the residents of the Town of Stafford and to protect and enhance the living environment and the value of properties thereof. Toward these ends, these

controls provide minimum adequate standards for the keeping of domestic animals and the location and number of structures for the housing of said animals. Farms are regulated by Section 7.3 and are excluded from this Section.

- B. **Applicability:** These controls apply to the keeping of non-commercial farm animals in any zone.
- C. **Permit:** A permit shall be required when the keeping of such animals exceeds the allotted number of animal units in the table below. Such permit shall not be granted for the keeping of animals in excess of one (1) animal unit over the permitted units in section 7.3(D).
- D. **The Zoning Enforcement Officer** shall grant approval for a Non-commercial Animal Agricultural Permit when satisfied that the application complies with the criteria and standards presented in this section of the regulations.
- E. **Table of Units Per Acre for Noncommercial Agricultural Animals:**

The number and type of animal constituting an animal unit as well as the number of animals permitted by lot size is described in the following table:

Type of animal	Number of animals per animal unit	Number of animals permitted on space
Horse, pony, mule, donkey, cattle, llama	One (1)	One (1) unit for two (2) acres and one half (½) acre for each additional unit
Sheep, goat, alpaca	Four (4)	One (1) unit for two (2) acres and one half (½) acre for each additional unit
Pig	Two (2) mature pigs plus one (1) litter (3 months or less)	One (1) unit for two (2) acres and one half (½) acre for each additional unit
Poultry including chickens, ducks, geese, and turkeys (see also 5.03(c)4.	Twelve (12)	One (1) unit per acre when kept as single type animal on the property or ½ unit on lots under an acre. When combined with other animals such as horses, sheep, or pigs, one half (½) unit will be allowed as a secondary unit for each primary unit.
Rabbit	Ten (10)	One (1) unit per acre when kept as single type animal on the property or ½ unit on lots under an acre. When combined with other animals such as horses, sheep, or pigs, one half (½) unit will be allowed as a secondary unit for each primary unit.

Note: Combinations of different animals and fowl are permitted provided total permitted animal units are not exceeded for available acreage. Example – two (2) sheep and two (2) goats would be permitted on two (2) acres. However, one (1) cow and one (1) goat would not.

F. Minimum requirements

1. The keeping of non-commercial agricultural animals shall comply with section 7.4 and section 4.3 of these regulations.
2. **Maintenance:** The care for and number of such animals and the maintenance of the area in that they are to be kept shall be such that no environmental health hazard or nuisance will be created and that the values of abutting properties are not adversely affected.
3. **Poultry:** (Effective 4/26/05) The keeping of these animals shall meet all other requirements of Section 7.4. For the “A” zone, a special use permit is required and will comply with the following standards:
 - a. Minimum lot size of one and a half (1.5) acres;
 - b. Maximum of twelve (12) birds (no roosters allowed);
 - c. A coop and fenced in play yard that is a complete enclosure on all sides including the top;
 - d. An adequate landscape buffer surrounding the “fenced structure” to provide noise and sight relief to neighboring properties; and
 - e. Coop/fenced area must be at least twenty-five (25) feet from the side and rear property lines.
4. That the keeping of pigs or the building of a pigsty on marshy ground or land subject to over flow or within 300’ of any inhabited house upon property other than that of the proprietor of the pigsty is prohibited.
5. The animals are kept in a manner that conforms to all applicable regulations of the Public Health Code, the Department of Environmental Protection, the Connecticut Department of Agriculture, and the General Statutes of Connecticut.
6. In no case shall an enclosure for animals, excluding household pets such as dogs and cats, be located between the street and a dwelling intended for human habitation.

G. Shelters, stables, barns, or similar structures, buildings, or appurtenance used for the keeping or housing of animals:

No such structure used for the keeping of any such permissible animal, or animals, or for the storage of feed shall be located:

1. Closer to the side and rear property lines than the minimum setback requirements of the zoning district in that the premises are located.
2. Closer than one hundred fifty (150) feet from a front lot line.

3. Within one hundred fifty (150) feet from an existing dwelling under separate ownership.

H. **Storage of manure:** The storage of manure shall meet all requirements of local and state health officials, but in no case will it be located closer to property lines than the minimum setback requirements of the zoning district in that the premises are located and shall not exceed two (2) cubic yards in bulk. Section 7.4(G)(2) may be waived by the Commission if the structure in question is clearly intended for agricultural use and was erected prior to September 15, 1994. All other animals not covered under these regulations may be permitted at the discretion of the Commission under a special use permit.

7.5 **Livestock, poultry farms, and piggeries:**

Said uses may be permitted as commercial animal agriculture, under a special use permit within the corresponding district providing:

- A. That the lot area is no less than ten (10) acres; and
- B. That no building, structure or similar enclosure for the housing of livestock or poultry, or for the storage of fertilizer or manure will be located closer than one hundred fifty (150) feet to any street or property line or to any building or structure designed or intended for human habitation.
- C. That the keeping of pigs or the building of a pigsty on marshy ground or land subject to over flow or within three-hundred (300) feet of any inhabited house upon property other than that of the proprietor of the pigsty is prohibited.
- D. The animals are kept in a manner that conforms to all applicable regulations of the Public Health Code, the Department of Environmental Protection, the Connecticut Department of Agriculture and the General Statutes of Connecticut.

All other animals not covered under these regulations may be permitted at the discretion of the commission under a special use permit.

7.6 **Regulations Concerning Mobile Homes and Camping Areas**

A. **Mobile homes**

- 1. With the exception of a mobile home that is clearly designed or intended for use as a temporary field office or a trailer field office, a mobile home shall be considered as a dwelling occupying a lot and shall be subject to the same lot area, floor area, yard setback, and lot area per dwelling unit requirements applicable to dwellings in the zoning district in which such mobile home is located.

2. No mobile home shall be used for human habitation or commercial purposes when parked upon a public highway.
3. Not more than one (1) mobile home at a time may be parked, placed, or stationed on one (1) lot. Adjoining lots having common ownership shall be considered one (1) lot for the purpose of this restriction.

B. Camping areas

1. No camping areas may be expanded or operated unless a special use permit for such purposes has been issued by the Commission after a public hearing.
2. Application for a special use permit shall be made to the Commission on a form prescribed by it. The application shall include, in addition to requirements of Section 8.3, a site plan in duplicate at a scale not less than forty (40) feet to the inch showing: lot lines, dimensions of the lot, setback dimensions; location and description of shelter and toilet facilities; location and capacity of parking facilities; general layout of campsites including overflow field access and egress roads; and such other information as may be required by the Commission to determine that the proposed facility complies with these Regulations. The site plan shall also show the names of the owners of lands abutting the property for that a camping area permit is being requested.
3. No permit for the expansion and/or operation of a camping area will be issued by the Commission unless the following minimum requirements are met:
 - a. **Minimum area of lot:** Forty (40) acres;
 - b. **Maximum density:** Eight (8) campsites per acre or at the rate of five thousand (5,000) square feet per campsite;
 - c. **Minimum toilet facilities:** One (1) men's room and one (1) ladies' room for each fifteen (15) campsites or fraction thereof. Each men's room shall include at least: a shower room, two (2) lavatories, a utility sink, two (2) water closets, and two (2) urinals. Each ladies' room shall include at least: a shower room, two (2) lavatories, a utility sink, and three (3) water closets. Each toilet facility shall have adequate provisions for the supply of running hot and cold water to corresponding fixtures. All toilet facilities proposed shall meet the approval of the town Health Officer.

In those camping areas where the use is restricted to self-contained camping vehicles with full sanitary facilities, the above requirements shall not apply; but sanitary facilities shall be as required by the Public Health Code of the State of Connecticut as to number, location, physical features, and construction. A self-contained camping vehicle means a camping vehicle equipped with a sink, shower, toilet, a water supply tank and a holding tank, or tank for sink, shower and toilet waste.

- d. **Refuse disposal:** The site plan shall also indicate areas designated for the location of refuse containers. Said containers shall be rodent and odor proof and located within suitable visual barriers away from campsites
 - e. **Shelter:** All-weather shelter structures shall be provided. Said shelter shall be of adequate size and design and located within walking distance from the camping sites.
 - f. **Buffer zone/strip:** Each camping area shall be provided with a buffer zone/strip of at least fifty (50) feet around its boundaries. If natural vegetation does not exist, said buffer zone/strip shall be properly planted with evergreen trees and/or shrubbery of no less than six (6) feet in height so planted as to provided adequate year-round screening.
 - g. **Open space recreational area:** Each camping area shall be provided with open space recreational areas (exclusive of overflow fields, campsites, and circulation spaces) at the rate of no less than twenty (20) percent of the total area of the lot.
 - h. Standard permit is from April 15 to October 15
- 4. Camping areas shall be provided with driveways of adequate design and paving and shall meet the approval of the Commission.
 - 5. Permittees of camping areas shall maintain an up-to-date register indicating the names of campsite occupants including number of license plates of all motor vehicles and trailers in the campgrounds. A copy of said register shall be available for inspection by the Commission or its authorized agent.
 - 6. Initial permits for operation of camping areas shall meet the approval of the Commission after public hearing. Permits will be issued on a yearly basis and each renewal thereafter shall also meet the approval of the Commission.
- C. **Trailers and mobile homes for special purposes:** Trailers and mobile homes may be utilized for the following:
- 1. Trailers may be used for emergency storage necessitated by natural disaster, special function, or other good cause following application to and approval by the Commission or its agent.
 - 2. Mobile homes may be used as an office to service construction projects that may include facilities for a watchman following approval by the Commission or its agent.
 - 3. Temporary uses such as for emergency purposes that, in the judgement of the Commission or its agent, warrant a permit.
 - 4. Mobile homes or trailers shall not be placed in a special flood hazard area under any circumstances.

The Commission or its agent shall establish reasonable requirements in respect to screening, time limits, hours of use, and other factors that control such use.

7.7 Regulations Concerning Automotive Sales and Repair, Service Garage and Gasoline Stations and compliance with CGS Secs. 14-51, 14-54, 14-321, as amended.

A. Applicability:

1. No person, firm, or corporation shall establish, expand, or alter in use or structure any business concerned with: sale, repair, or servicing of automobiles and/or sales unless said businesses or uses are developed in accordance with the requirements of this section and all other applicable controls in these Regulations.
2. All sale, repair, or servicing of automobile and/or gasoline sales legally developed prior to the effective date of these Regulations shall be considered legal notwithstanding the provisions of this section.
3. Furthermore, no business or use referred to in this section shall become nonconforming by reasons of development of any park, playground, school, college, church, public library, or dwelling subsequent to the establishing of the business or use.

B. Issuance of permits:

1. Issuance of a permit for the establishment, the expansion, or the alteration in use or structure of any of the businesses, or uses described above, shall be contingent upon the approval or the disapproval by the Zoning Board of Appeals after a duly advertised public hearing.
2. The Zoning Board of Appeals shall not give approval unless it finds the location is suitable for the use or business intended, due consideration being given to the proximity of schools, places of worship, libraries, theaters, playhouses, or other places of public gathering; or intersecting streets, traffic conditions, width of highway; and effect of public travel and that such use or business will not imperil the safety of the public. In no event shall a business or use referred to in this section be established if any part of the proposed building or structure will be within one thousand (1,000) feet of any entrance to a public park or playground, school, college, place of worship, public library, or residentially zoned dwelling on the same side of the street.
3. No permit shall be granted by the Zoning Board of Appeals unless the proposed use or business is within a district where such use or business may be permitted.

C. General requirements:

1. The minimum area of each site shall be as set forth in paragraph D. of this section, and the performance standards are set forth in Section 5.5 of these Regulations.

2. Safeguards shall be provided against surface and subsurface leakage of gas and oil.
3. All applications to the Zoning Board of Appeals shall include a report from the Zoning Enforcement Officer confirming that the site plan required as part of the application meets all zoning requirements.
4. All applications to the Zoning Board of Appeals shall be accompanied with maps showing information as detailed in Section 8.3 of these Regulations.
5. Off-street parking shall conform to Sections 6.2.
6. There shall be at least ten (10) feet of landscaped area along the frontage of the premise; and where adjacent to paved areas and service roads, said areas shall be clearly defined by curbing.
7. There shall be a buffer zone/strip of at least twenty-five (25) feet between any of the uses or buildings described in this section and adjacent to lots zoned for or in residential use. Said buffer zone shall be properly landscaped and planted including Type "C" screening.
8. There shall be no exits or entrances closer than one hundred (100) feet to any road intersection nor shall there be any business or uses referred to in this section proposed for a location within two hundred (200) feet of any residential dwelling that is situated in a residential district.
9. Except for new or used auto sales operations, vehicles parked, or stored on the premises for periods exceeding ten (10) days and all damaged vehicles on the premises shall be housed within a fenced and obscured enclosure at least six (6) feet in height.
10. Corner lots shall meet minimum frontages for each street frontage as set forth in paragraph D. of this section.

D. Special requirements:

Special Type Business	Minimum Lot Area	Minimum Lot Frontage	Minimum Setback from Street Line		Minimum Side Yard Clearance	Minimum Rear Yard Clearance
			Building	Canopy		
Auto sales – new and/or used	37,500 square feet	250 feet	55 feet	-	40 feet	40 feet
Auto repair – garage or shop	37,500 square feet	150 feet	55 feet	-	40 feet	40 feet
Gas service station	40,000 square feet	200 feet	60 feet	30 feet	40 feet	40 feet

The Zoning Board of Appeals may impose such additional conditions upon each use as it finds necessary to protect the public safety, convenience, and property values notwithstanding the requirements of this section.

7.8 Car Wash:

A car washing facility as a main use may be permitted by the Commission only as a special permit use. Plans for a proposed facility shall be submitted as in Section 8.3. In addition, the following shall apply:

- A. Vehicular circulation shall be controlled for safe entrance and exit and all vehicles awaiting service or being served shall be parked or stacked behind the building line. Entrance and exit driveways shall be not over fifteen (15) feet wide each between the street line and the building line, shall have adequate radii for junction with existing travelled ways, and shall be separated by a landscaped median not less than eight (8) feet wide.
- B. All front yards shall be at least twenty-five (25) feet in depth from the street line and covered with a natural landscape material such as turf, ground cover or stone or slate paving, but not bituminous material. Each street yard shall have Type "A" screening. (Ref. Sec. 6.1(D))
- C. Landscape strips shall contain Type "C" screening. (Ref. Sec. 6.1(D))
- D. All operations, except final hand polishing, shall be confined within the building.
- E. All waste water and liquids used in car wash operations shall be collected by a self-contained treatment system on the property. Said system shall be so designed as to remove all sand and other solids from the used wash water. In addition, if wash water is to be discharged into a public sewer, approval of the Water Pollution Control Authority (WPCA) shall be required. Said self-contained treatment system shall be subject to approval by the Commission or its designated agent.

7.9 Pistol, rifle and skeet trap shooting: Available upon request.

7.10 Forestry:

For the purpose of these regulations, all harvesting of trees will be considered forestry; and all milling of round wood will be considered wood product manufacturing, meeting the requirements of wood cutting and will not apply to this section.

Forestry is allowed in all AA and AAA residential zones and all business and industrial zones and will be allowed in water management zones upon approval of the Inland Wetlands Commission. All cutting of trees permitted with a permitted construction or use shall not require a permit.

- A. Commercial cutting up to ten thousand (10,000) board feet and all private cutting of trees shall not require a permit but shall comply with these regulations. All commercial cutting of trees over ten thousand (10,000) board feet shall require a

permit meeting the following requirements. Note: It will be considered private cutting when the landowners harvest their own stand of trees.

1. The applicant shall state the type of forestry, selective cutting, or clear cutting, the number of acres involved in the operation, and the approximate number of board feet to be removed. The permit shall be signed by both the owner and the logger.
 2. A buffer strip of one hundred (100) feet from all property lines abutting developed land and town and state roads shall exist where no more than fifty percent (50%) of the volume of the trees in this area shall be removed and where all slash shall be chipped or removed. A buffer strip of fifty (50) feet from property lines abutting raw and undeveloped land meeting the above requirements will be allowed. Trees accidentally damaged during the felling operation to the extent of impeding future growth will be felled and removed from the above-mentioned buffer strips. All ground surfaces disturbed in this area shall be re-graded and seeded. This work shall be done before any new permits can be issued.
 3. The applicant will comply with all Inland Wetland Regulations as required.
 4. All watercourses, swamps, ponds, and lakes shall be protected from erosion by methods approved by the Forestry Unit — D.E.P.; and a distance of twenty-five (25) feet from all said waterways shall be kept free of all slash from this forestry operation.
 5. A forestry permit shall be required.
 6. Clear cutting over five (5) acres and selective cutting over fifty thousand (50,000) board feet shall require a one thousand dollars (\$1,000) Performance Bond.
 7. Clear cutting shall not exceed ten (10) acres.
- B. All forestry operations, commercial and private, must follow approved silvicultural practices and shall comply with the latest edition of the Timber Harvesting Guidelines published by the Wood Producers Association of Connecticut.

7.11 Day care

Group day care homes and child day care centers as defined by CGS 8-3 and nursery schools and adult day care facilities may be allowed as a special permit use by the Commission after public hearing and subject to the following:

- A. The size of the property shall be such that off-street parking will be accommodated; outside activity areas will be provided; and on-site pick-up and discharge are provided.
- B. The street serving the proposed facility shall be adequate to provide a free flow of two-way traffic that will not create congestion.

- C. Driveways serving the pick-up/drop-off point shall be wide enough to allow two one-way lanes for at least thirty (30) feet in each direction from the subject point.
- D. Appropriate screening of parking facilities shall be provided.
- E. Proper lighting shall be provided without being a nuisance to neighboring properties.
- F. All state and local fire and health codes shall be continuously met during the period of the permit.

7.12 "Adult" bookstores

May be allowed as a special permit use by the Commission after public hearing and subject to the following:

- A. The center of the main entrance of the "adult" bookstore is not closer than one thousand, five hundred (1,500) feet (measured in a straight line) from the center of the main entrance of any other "adult" bookstore or the nearest property line of any lot used as a place of worship, a public library, a day care facility, a community recreation building, a playground, a sports field, a park, and a school (as defined by standards recommended by the State Board of Education and State Department of Education). Said distance requirement may be waived by a two-thirds (2/3) vote of the Commission provided that the applicant has submitted a petition, at or before the public hearing, signed by the owners of fifty-one percent (51%) of the residences and commercial establishments within a one thousand, five hundred (1,500) foot distance of the proposed location and provided that the Commission makes the following findings:
 - 1. The proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this regulation will be observed;
 - 2. The establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or non-residential.
- B. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from sidewalks or walkways or from other public and semi-public areas; and such displays shall be considered signs.
- C. All building openings, entries, windows, etc., for "adult" bookstores shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area.
- D. All public floor areas within the "adult" bookstore shall be adequately lighted and constructed so that every portion thereof is readily visible to the clerk or other supervisory personnel from the counter or other regular station. In order to protect the public health and safety, booths for previewing or viewing films, videos, etc., whether coin-operated or otherwise are prohibited. Nothing herein is intended to

prohibit the uncompensated presentation of films or videos in such a manner as to be visible from the public floor areas

- E. Applications under this section shall be in accordance with the relevant subsections of Section 8.10 of these Regulations and the approval of any such application shall be for a period not to exceed one (1) year.
- F. In the event that at any time it shall appear to the Zoning Enforcement Officer that an existing bookstore whose stock in trade was previously unrestricted to minors has become an "adult" bookstore, said premises will be subject to special use approval under the conditions of this section.
- G. In the event that at any time it shall appear to the Zoning Enforcement Officer that an "adult" bookstore has become a nuisance or hazard, he/she shall notify the Commission. The Commission, after public notice and hearing, may take whatever action it deems appropriate to abate the nuisance or hazard including revoking the special use permit.

7.13 Alcoholic Beverages:

Applicability – The provisions of this regulation shall apply to the following classes of permit as described in Secs. 30-15 to 30-37h inclusive, of the Connecticut General Statutes:

- A. A temporary sales/tasting permit may be approved by a Zoning Enforcement Office representative of the Commission and applicable state approval not to exceed four (4) days.
 - 1. Café permit.
 - 2. Club permit, or nonprofit club permit.
 - 3. Hotel permit, or hotel permit for beer only.
 - 4. Package store permit.
 - 5. Restaurant permit, restaurant permit for beer only, restaurant permit for wine and beer only, or restaurant permit for catering establishment.
 - 6. Special sporting facility bar permit, special sporting facility concession permit, special sporting facility employee recreational permit, special sporting facility guest permit, or special sporting facility restaurant permit.
 - 7. Tavern permit.
 - 8. Bowling establishment permit, bowling establishment permit for beer only, or racquetball facility permit.
- B. **Permits:** Use of a building or other premises for the sale or dispensing of alcoholic beverages shall require the issuance of a special permit by the Commission in

accordance with the Zoning Regulations of the Town of Stafford, Special Use Permit – Section 8.10. For a special permit under this Regulation, the Commission may consider the following in addition to the standards of the Town of Stafford’s Zoning Regulations:

1. The proximity of the establishment to schools, religious places of worship, residential neighborhoods, and charitable institutions such that, in the judgment of the Commission, the trade associated with the establishment does not disrupt the quiet pursuit of education and religion.
2. The proximity of the establishment to an establishment operating under another permit listed in the Alcoholic Beverages – Applicability previous such that, in the judgment of the Commission, there not be created a cluster of undue concentration of establishments where the sale or consumption of alcoholic beverages may be perceived as a dominant characteristic of the neighborhood or area.

7.14 Flood Plain District:

There is hereby established a Flood Plain District. The Flood Plain District includes all areas designated as Zone A and Zones A1-A30 on maps entitled "Flood Insurance Rate Map, Town of Stafford, Connecticut, Tolland County Map Index Panels Printed: 15, 18, 20, 22, 24, 25, 26, 30, Community Panel Numbers 090152-0001-0030" and "090113-0001B (Stafford Springs – Only Panel Printed)." These maps as well as the Flood Boundary and Floodway Maps and accompanying Flood Insurance Studies are incorporated by reference. In any area designated as a Flood Plain District, all regulations in this section will apply, together with all of the regulations for the zone of said property as shown on the Zoning Map of the Town of Stafford.

A. Purpose and Objectives:

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of Stafford are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of that adversely affect the public health, safety, and general welfare.

B. Definitions:

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

1. **Area of special flood hazard** is the land in the flood plain within a community subject to one percent (1%) or greater chance of flooding in any given year.
2. **Base flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
3. **Basement** means any area of the building having its floor sub-grade below ground level on all sides.
4. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment or materials.
5. **Flood Boundary** and **Floodway Map** means an official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.
6. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on that the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
7. **Flood Insurance Study (FIS)** means the official report from the Federal Emergency Management Agency (FEMA) that contains examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
8. **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 more than one (1) foot.
9. **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished 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's lowest floor.
10. **Manufactured home** is a structure, transportable in one or more sections, that is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.
11. **Mean sea level** means, for purposes for 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.

12. **New construction** means structures for that the "start of construction" commenced on or after the effective date of the initial FIRM (latest edition) and includes any subsequent improvements to such structures.
13. **Recreational vehicle** means a vehicle that is: a. built on a single chassis; b. four hundred (400) square feet, or less when measured at the longest horizontal projections; c. designed to be self-propelled, or permanently towable by a light duty truck; and d. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
14. **Start of construction** includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
15. **Structure** means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
16. **Substantial improvement** means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a one (1) year period in that the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be: a. the appraised value of the structure using the cost approach to value method prior to the start of the initial repair or improvement; or b. in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions.

17. **Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plain of coastal, or riverine areas.

C. General Provisions:

These regulations shall apply to all areas of special flood hazard within the jurisdiction of Stafford. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Studies (FIS), or Flood Insurance Rate Maps (FIRM), latest edition, with accompanying floodway maps and other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of these regulations. A development permit shall be required in conformance with the provisions of these regulations prior to the commencement of any development activities.

D. Provisions for Flood Hazard Reduction:

1. **General standards:** In all areas of special flood hazard, the following provisions are required:
 - a. **New construction and substantial improvements:** New construction and substantial improvements shall be: a. anchored to prevent flotation, collapse, or lateral movement of the structure; b. constructed with materials resistant to flood damage; c. constructed by methods and practices that minimize flood damage; d. constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - b. **Water supply and sanitary sewage systems:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - c. **Manufactured homes:** All manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, over-the-top or frame ties to ground anchors.
2. **Specific standards:** In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section D, or as determined in

Section G.4 the following provisions, in addition to those in Section C are required:

- a. **Residential structures:** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
 - b. **Non-residential structures:** New construction or substantial improvement of any commercial, industrial, or non-residential structure located in a special flood hazard area shall have the lowest floor, including basement, elevated to, or above the level of the base flood elevation.
3. **Flood Proofing:** Non-residential structures located in all "A" Zones may be flood proofed (to one (1) foot above the base flood elevation) in lieu of being elevated provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.
 4. **Enclosed areas below base flood elevation:** New construction or substantial improvement of buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

E. Administration:

In addition to the other information that must be provided in an application for a zoning permit, a development permit shall be required in conformance with the provisions of these regulations prior to the commencement of any development activities. The Zoning Enforcement Officer (Z.E.O.) is hereby appointed to administer and implement the provisions of these regulations. Any applicant for a permit in the Flood Plain District shall provide the following information to the Z.E.O:

1. The elevation in relation to mean sea level of the lowest floor, including the basement, of all new or substantially improved structures;
2. The elevation in relation to mean sea level to that any new or substantially improved structure is flood proofed;
3. Description of the extent to that any watercourse will be altered or relocated as a result of proposed development;
4. A statement as to whether or not proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
5. Zones A1-30 and AE require, until a regulatory floodway is designated, that no development may increase flood levels more than one (1) foot at any point.

F. Manufactures Homes:

1. All manufactured homes to be placed or substantially improved shall be elevated so that the lowest floor is above the base flood elevation.
2. Manufactured homes shall be placed on a permanent foundation that itself is securely anchored and to that the structure is securely anchored so that it will resist flotation, lateral movement and hydrostatic, and hydrodynamic pressures. Anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - b. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds;
 - d. Any additions to the manufactured home be similarly anchored.
3. Manufactured homes are prohibited in the floodway.
4. All manufactured homes where the repair, reconstruction, or improvement of streets, utilities, and pad are less than fifty percent (50%) of the value before the repair, reconstruction, or improvement has commenced shall have the lowest floor elevated to or above the base flood level. They shall be placed on a permanent foundation that itself is securely anchored and to that the structure is securely anchored.

G. Duties and Responsibilities of the Zoning Enforcement Officer:

The duties of the Zoning Enforcement Officers shall include, but not be limited to:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
2. Advise permittee that additional federal or state permits may be required. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration, or relocation of a watercourse. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
3. Record the "as built" elevation (in relation to mean sea level) of the lowest flood (including basement) of all new or substantially improved or flood-proofed structures. When flood proofing is utilized for a particular structure, the Zoning Enforcement Officer shall obtain certification from a registered professional engineer or architect.
4. When base flood elevation data or floodway data have not been provided, then the Zoning Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source including data developed pursuant to Sec. 4.7.5 of the Subdivision Regulations in order to administer the provisions of Sections 7.15(D) and 7.15(G).
5. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Enforcement Officer shall make the necessary interpretation. All records pertaining to the provision of this ordinance shall be maintained in the office of the Zoning Enforcement Officer.
6. In "A" zones, where base flood elevations have been determined, but before a floodway is designated, require that no new construction, substantial improvement, or other development (including fill) be permitted that would increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
7. In areas where floodways have been designated or determined: Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any one point.

H. Variance Procedures:

The Stafford Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of these regulations.

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
3. Variances may only be issued upon: a. a showing of good and sufficient cause; b. a determination that failure to grant the variance would result in exceptional hardship, and; c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws, or, ordinances. Only hardships that are based on unusual physical characteristics that are not shared by adjacent parcels shall qualify to meet subsection b. above. Claims of hardship based on the structure, on economic, or on personal circumstances are not sufficient cause for the granting of a variance under these regulations.
4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to that the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage.
5. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

7.15 Soil Erosion and Sedimentation Control Regulations

The Planning and Zoning Commission shall either determine that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this section, or deny any special permit, or permit when the development proposal does not so comply. Prior to approval, the Commission may submit any proposed Soil Erosion and Sediment Control Plan to the Tolland County Soil and Water Conservation District for its recommendations.

The Planning and Zoning Commission may, as a condition of approval, require that the applicant post a performance bond or other security acceptable to the Treasurer of the Town of Stafford, to ensure that the applicant complete construction in accordance with the Soil Erosion and Sediment Control Plan submitted to the Commission.

Construction of any project approved in accordance with those standards shall be in accordance with the following:

- Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.
- Inspections shall be made by the authorized agent of the Planning and Zoning Commission during development to ensure compliance with the plan and that control measures and facilities are properly performed or installed and maintained. The Planning and Zoning Commission may require the applicant to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the plan and are being operated and maintained.

A. No Permit, or special use permit shall be issued in accordance with these Regulations unless:

1. The permit is for a single-family residence not being built by a developer as part of a subdivision of land;
2. The Planning and Zoning Commission or its authorized agent has determined that the ground cover to be disturbed as a result of the permitted activity is less than one-half (½) acre; or
3. The Planning and Zoning Commission has determined that the permitted activity will be conducted in accordance with a Soil Erosion and Sediment Control Plan designed to minimize soil erosion and sedimentation resulting from the permitted activity.

B. Application Requirements:

1. A narrative describing:
 - a. The development;
 - b. The schedule for grading and construction activities including:
 - i. Start and completion dates;
 - ii. Sequence of grading and construction activities;
 - iii. Sequence for installation and/or application of soil erosion and sediment control measures;
 - iv. Sequence for final stabilization of the project site;

- c. The design criteria for proposed soil erosion sediment control measures and storm water management facilities;
 - d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
2. A site plan map at a sufficient scale to show:
- a. The location of the proposed development and adjacent properties;
 - b. The existing and proposed topography, including soil types, wetlands, watercourses, and water bodies;
 - c. The existing structures on the project site, if any;
 - d. The proposed area alterations including cleared, excavated, filled, or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;
 - e. The locations of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f. The sequence of grading and construction activities;
 - g. The sequence for installation and/or application of soil erosion and sediment control measures;
 - h. The sequence for final stabilization of the development site.
3. Any other information deemed necessary by the Planning and Zoning commission, or its authorized agent.

C. Application Compliance:

No permit or special use permit shall be approved for any activity to that these Regulations are applicable unless it complies with the following:

- 1. Plans for soil erosion and sediment control shall be in accordance with the principles outlined in Chapters 3 and 4 of the *Connecticut Guidelines for Soil Erosion and Sediment Control* (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.
- 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 are presented.

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 runoff unless an alternative method is approved by the Commission.

7.16 Telecommunications Towers (Effective 5/1/2000)

A. Definitions:

For the purpose of applying the provisions of this section the terms below shall be defined as follows:

1. **Antenna** means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennas, panel antennas, and dish antennas.
2. **Co-location** means locating wireless communication facilities from more than one provider on a single site.
3. **Commercial wireless telecommunication services** mean a licensed commercial wireless telecommunication services including, but not limited to cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), and paging and similar services that are marketed to the general public.
4. **Commercial wireless telecommunication site** means a facility that consists of the equipment and structures involved in receiving or transmitting electromagnetic waves associated with wireless telecommunication services.
5. **Height of tower** means the vertical distance measured in feet from the ground elevation of such tower to the topmost point of the tower including any antenna or other appurtenances.
6. **Tower** means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include: self-supporting lattice, guyed, and monopole.

B. Regulations:

1. Public and private telecommunications facilities, communications towers, antennae, and accessory equipment shall be permitted used in all zones by Special Use Permit subject to the requirements of Section 8.10 of these regulations and the following specific criteria.
2. No wireless telecommunication tower shall be constructed or used except as specifically provided in this section.

3. These regulations cover towers used for communications (both receiving and transmitting) and other such purposes. Towers may be freestanding ground mounted (with guys or self-supporting) or attached to or on the roof of a building (also with guys or self-supporting). Poles and towers for power transmission regulated by public utilities are exempted from these zoning regulations.
4. The applicant will be required to take reasonable steps to mitigate any adverse visual impact from all new telecommunications facilities. Steps include landscaping, fencing, painting, or similar measures as appropriate to camouflage the tower.
5. A tower must comply with the setback requirements of the zone in that it is located or be set back from property lines a distance equal to the height of the tower, whichever is greater.
6. Towers shall not exceed one hundred and eighty (180) feet in height above the ground.
7. To discourage unauthorized trespassing and provide for the public safety, the base of any ground mounted tower shall be secured by fence enclosure to a height of six (6) feet above the ground.
8. No lighting of any telecommunications towers will be permitted, with the exception of ground lighting for maintenance purposes, except as required by the Federal Communications Commission, Federal Aviation Administration, or the Connecticut Siting Council.
9. No advertising or signs shall be permitted on any telecommunications towers.
10. To avoid the unnecessary proliferation of antenna towers, new antenna towers for cellular and personal communication services will not be approved unless all available space on existing, or approved antenna towers covering the same geographic area has been utilized.
11. To protect the public health from the unknown effects of electromagnetic fields, all cellular and personal communication service transmitters must comply with FCC emissions regulations.
12. The Commission may condition, restrict, or limit any special permit issued for a telecommunications facility, communication tower, or antennae in any manner consistent with federal law.
13. Abandonment: A wireless telecommunication facility not in use for twelve (12) consecutive months shall be removed by the facility owner at their expense. This removal shall occur within ninety (90) days of the end of such twelve (12)-month period. The Commission may require a bond, or other surety satisfactory to the Town of Stafford, to guarantee removal, that shall be reviewed and renewed every

two (2) years. If there are two, or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

14. No wireless telecommunication site shall be located within two hundred (200) feet of a residence.
15. No commercial wireless telecommunication site shall be located within five hundred (500) feet of a playground, school, or daycare facility property line.
16. In the case where a wireless telecommunication site is proposed to be located on, or within one thousand (1000) feet of a property designated on the National Historic Register or historic district that such proposal will preserve the historic and/or architectural character of the landscape, or any structure.
17. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
18. All generators installed in conjunction with any wireless telecommunication site shall comply with Section 5.5 of the Town Zoning Regulations.

7.17 Age-restricted Housing (Effective 6/11/08)

A. Applicability and Purpose:

1. Age-restricted Housing Developments may be permitted subject to the issuance of a special use permit in accordance with the requirements of Section 6.31 of these regulations within the AAA, AA, and A zoning districts.
2. The purpose of these regulations shall be to provide for the development of housing for residents fifty-five (55) and over in a comprehensively planned manner that will provide a superior residential environment in conformance with the sound and, orderly development of the Town.

B. Location Criteria:

Age Restricted Housing developments may be permitted by Special Use Permit on parcels of land meeting the following locational criteria as well as the requirements specified in Section 5.51.

1. The site is at least five (5) acres in area;
2. The site shall have a minimum of two hundred (200) feet of frontage on a public road.

C. General Criteria:

The Commission shall approve an age-restricted housing development only when it finds that the following criteria are met:

1. That the location and size of the proposed use and intensity of use in relation to the size of the site will be in harmony with the orderly development of the area and compatible with other existing uses.
2. The proposed plans provide for the conservation and protection of natural features.
3. The design elements of the proposed development are attractive and conducive to the creation of a neighborhood residential environment.
4. The streets that provide access to the proposed use are adequate in width, grade, alignment, and visibility and have adequate capacity for the additional traffic generated by the proposed use.
5. The proposed use shall have easy accessibility for fire apparatus and police protection and is designed and equipped to further the provision of emergency services.
6. The proposed use will not have any detrimental impacts upon the public health, safety, or welfare and not conflict with the purpose of these regulations.
7. The proposed use conforms to all the requirements of Section 7.18(D) of these regulations.

D. Age Restriction:

1. Occupancy of all dwelling units within Age-restricted Housing Development shall comply with the requirements of the “55 and over housing” exemption as set forth in the Fair Housing Amendments Act (42 U.S.C., Sec 3601 et. Seq.), the Housing for Older Persons Act of 1955, and in accordance with Federal Law.
2. The “housing facility or community” shall provide to the Zoning Enforcement Officer each year, on the anniversary of the approval of the site plan, documentation regarding age verification of the occupants of all dwelling units sufficient for the Zoning Enforcement Officer to determine there is compliance with the requirements of the “over 55 housing” exemption.
3. Such age restrictions shall be enforced by governing document and restrictive covenant, as reviewed and approved by the Town Attorney and shall not be subject to revocation.
4. Further, by governing document and restrictive covenant, that shall be binding upon all occupants of all dwellings in the development parcel, the applicant shall agree and covenant so that no children under the age of eighteen (18) years shall be permitted to reside in any dwelling, except by hardship exception granted by the Board of Directors or other governing body of the community. At least fifteen (15) days prior to the hearing concerning such hardship, the Board of Directors shall notify the Zoning Enforcement Officer, by certified mail, of the date, time, and place of such hearing and make available all appropriate information. Such hardship exception shall be granted only for children, or grandchildren of an

existing occupant, provided that visitor occupants of any ages shall be permitted to visit for up to four (4) weeks of any calendar year. In the event the Board of Directors or other governing body of the “housing facility community” shall grant a hardship exception, a copy of the application for the exception and of the Board’s decision thereon shall be forwarded to the Stafford Zoning Enforcement Officer within thirty (30) days after such decision is made.

E. Building Size and Coverage

1. There shall be a maximum of four dwelling units within each building.
2. No building shall exceed a height of thirty-five (35) feet.
3. No building shall be located within fifty (50) feet of any lot line.
4. The maximum building coverage shall not exceed twenty-five percent (25%) of the total area of the site.
5. Maximum impervious surface coverage shall not exceed thirty-five percent (35%) of the total area of the site.

F. Parking

1. There shall be a minimum of two (2) off street parking spaces per dwelling unit, with at least one (1) space located within an enclosed garage, plus adequate visitor parking as determined by the Commission.
2. All parking areas shall be a minimum of fifty (50) feet from all property lines, except driveways and access ways that provide access to the parking areas or the dwelling units.

G. Circulation

1. All interior roadways and sidewalks shall remain in private ownership in perpetuity. The owner(s) successors or assigns of the development shall, by formal agreement, agree to keep all internal roadways properly maintained, open, and passable at all times.
2. All interior roadways shall be suitably paved with a minimum width of twenty-four (24) feet, except that the Commission may permit at its discretion one-way roads of sixteen (16) feet in width if it finds that it will result in less environmental disruption of the land, be consistent with protection of public safety, and provide adequate and safe traffic circulation.
3. A pedestrian circulation system shall be provided within the development to provide safe access to all dwelling units and facilities. The system shall consist of the following:
 - a. Sidewalks along one side of the major streets within the development elsewhere, as determined by the Commission. The Commission may permit alternative

pedestrian facilities, where it finds it will provide alternative pedestrian circulation.

- b. Where suitable, a walking trail of suitable surfacing material (i.e., stone dust, wood) shall be provided in locations that give access to the surrounding environmental resources. When applicable, this trail system shall be accessible to people of all abilities.
 - c. The Commission may require that on-site or off-site pedestrian circulation facilities be installed to link the proposed development with other uses within the community.
4. The minimum grade for all roads shall be consistent with the standards of the Town of Stafford subdivision regulations.

H. Utilities

1. The development shall be served by a public water system; or the Commission may permit water service to be supplied by a private system, if it finds that it would be beneficial to the Town and consistent with the protection of public health.
2. The Development shall be served by the existing and established public sanitary sewer system, owned and operated by the Stafford Water Pollution Control Authority or The Commission may permit on-site waste water disposal if it finds that it would be consistent with beneficial patterns of development and would protect public health and preserve the quality of the water resources of the Town.
3. Where a system of on-site wastewater disposal is to be utilized, the Commission shall require sufficient legal and financial assurance to provide for the proper operation and maintenance of the system and assure that there be no additional costs by the Town of Stafford for maintenance, repair, or replacement of the system. Such shall include deed covenants and stipulations within the association documents that all costs of maintenance, repair, and/or replacement of such systems incurred by the Town shall be paid for by the property owners association. The Town Attorney shall review and advise the Commission as to the specific requirements of such financial and legal assurances.
4. All electrical, cable, telephone, and other service utilities shall be placed underground.
5. All storm water management systems will be included that incorporates all best management practices so that there are no negative impacts upon surrounding property or nearby watercourses.
6. All utilities shall conform to the applicable sections of the Subdivision Regulations and the Town of Stafford standards.

I. Design

1. The physical layout of the proposed development shall be designed to foster a neighborhood-oriented development.
2. The proposed development shall include areas for use by the residents for active and passive recreational purpose. These areas can include clubhouses and recreational facilities such as tennis courts or bocce courts.
3. The architecture of the buildings within the proposed development shall reflect the traditional New England village concept, as determined by the Commission. The Commission may, at its discretion, permit an alternative architectural theme, providing that they find that it is compatible with the surrounding neighborhood environment.

J. Open Space

1. There shall be a minimum of thirty-five percent (35%) of the total area of the site preserved as open space to enhance and preserve the rural character of the Town of Stafford.
2. Open space shall be undisturbed areas, left in their natural state, except for walking trails and other passive recreation features.
3. Land designated as open space shall be set aside in accordance with the plan submitted and in the manner proposed by the applicant and as approved by the Commission, in accordance with one of the following methods as deemed appropriate by the Planning and Zoning Commission.
 - a. Ownership by a non-profit land trust or other conservation, organization, or the Town of Stafford.
 - b. Ownership by a homeowner's association, with a conservation easement in favor of the Town of Stafford.
 - c. If the land is transferred, all zoning compliance determinations shall be based upon the parcel size prior to the time of the application, and prior to the transference of open space.

K. Ownership

1. The development shall remain under common ownership. Where the plan proposes creation of common ownership interests subject to the Common Ownership Interest Act (COIA), Chapter 82B of the Connecticut General Statutes shall be reviewed by the Town Attorney prior to recording on the land records.
2. All streets, walkways, recreational facilities, utilities, lighting, parking areas, and landscaping within the proposed development shall remain in private ownership. The continued ownership and private maintenance of all internal streets and utilities shall be enforced by covenants, notations on the land records, inclusion within the common area declarations, and all other measures deemed appropriate by the Commission.

L. Preliminary Site Development Concept Plan

It is recommended that, prior to the submission of an official application for approval, the applicant initiate a pre-application conference with the Commission and subsequently prepare and present a preliminary plan for informal consideration by the Commission. The preparation of the preliminary plan is recommended to facilitate the general consideration of factors and problems affecting the development of the land before the applicant proceeds with the official application and the preparation of final maps, plans, and documents required for formal consideration by the Commission. The presentation of a preliminary plan will more readily and economically facilitate alterations and changes recommended by the Commission.

Neither the pre-application conference nor the formal consideration of the preliminary plan shall be deemed to constitute any portion of the official and formal procedure of applying for a Preliminary Site Development and Land Use Concept Plan approval. Neither the proponent nor the Commission shall be in any way bound by statements made in such informal discussions, their purpose being only to minimize delay, expense and inconvenience to the public, the proponent, and the Commission upon the future receipt, if any, of a formal application. Following any informal discussion, the Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or Federal agencies for review and comment or may suggest that additional information is or will be required.

M. Accessory Uses

The following uses may be permitted as accessory to the age-restricted housing development at the discretion of the Commission.

- i. Clubhouse, including health and fitness facility, athletic facilities, swimming pool, and meeting rooms.
- ii. Tennis courts, bocce courts, and other recreational facilities.

7.18 Solar Energy Systems (Effective 08-11-2015)

A. Purpose: The purpose of this subsection is to provide for the regulation of the construction and operation of Solar Energy Facilities in the Town of Stafford subject to reasonable conditions that will protect the environment, public health, safety, and welfare.

B. Definitions:

1. **Solar Energy System, Large:** A solar energy collection system that can be used to serve all or part of the electric load at one or more properties and consumers.
2. **Solar Energy System, Roof-Mounted:** A solar collection system, that is installed upon or is part of the roof of a building or structure located on the subject

property. Systems integrated as awnings or attached to the roofs of porches, sheds, carports, and covered parking structures also fall under this distinction.

3. **Solar Energy System, Small:** An accessory solar energy collection system or photovoltaic system.

C. **Small-Scale Solar Energy Systems**

Small solar energy systems shall be permitted as an accessory use by right in all zoning districts subject to the requirements set forth in this section: Solar energy systems include ground, pole, and roof-mounted systems.

1. The construction of the small solar energy system shall be in accordance with an approved zoning permit and building permit application.
2. Setback:
 - a. In residential districts ground- or pole-mounted small-scale solar energy systems shall be placed so that no individual component is closer than the height of the array from the rear lot line or side lot lines. Ground or pole-mounted solar energy system shall only be allowed in the rear or the side yard behind the front building line.
 - b. In zones LB and CB ground- or pole-mounted small-scale solar energy systems shall be placed so that no individual component of the solar system may extend into the front, side, or rear setback for the district. Ground mounted small-scale solar systems shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center. The Commission may allow additional or alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for that site.
 - c. In zones HB, HI and HB, ground- or pole-mounted small-scale solar energy systems shall be placed so that the minimum distance to the side or rear setback is equal to or greater than the height of any individual component of the solar system, including any mounts. Ground mounted small-scale solar systems shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center. The Commission may allow additional or alternative screening methods such as berms and opaque fencing when it is determined that such alternatives are more appropriate for that site.

D. **Ground-Mounted Small Solar Energy Systems:**

1. The total height of the solar energy system including any mounts shall not exceed the maximum height of accessory structures permitted in that district.
2. The system shall meet all applicable current building codes.

E. **Roof-Mounted Small Solar Energy Systems:**

Roof-mounted small solar energy systems shall include integrated solar shingles tiles or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation) or separate flush or rack-mounted solar panels mechanically fastened to and/or secured with ballast on the roof surface in conformance with applicable current building codes.

1. Separate flush or rack-mounted small solar energy systems installed on the roof of a building or structure shall not project vertically more than eight (8) feet above a flat roof installation.
2. It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.

F. Appearance:

1. Appearance, color, and finish. The small solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
2. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a small solar energy system shall be prohibited. Installer and/or developer are limited to one (1) sign indicating their role in the system installation.
3. The maximum area of signage is one (1) square foot.
4. No signage shall pertain to advertising.

G. Code Compliance:

A small solar energy system shall comply with all applicable current Building codes.

H. Removal:

All obsolete or unused systems shall be removed within twelve (12) months of cessation of operations without cost to the Town.

I. Violation:

Subsequent to the effective date of this ordinance, it is unlawful for any person to construct, install, or operate a small solar energy system that is not in compliance with this chapter or with any condition contained in a building permit issued pursuant to this chapter.

J. Large Scale Energy Systems

Any system greater than 100 kW AC shall require a special use permit.

1. Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale Solar Energy System shall be consistent with all applicable current local, state, and federal requirements, including

but not limited to all applicable safety, construction, electrical, and communications requirements.

2. **Building Permit and Building Inspection**

No large scale Solar Energy System shall be constructed installed or modified as provided in this section without first obtaining a zoning permit and building permit.

3. **Site Plan Review**

Ground-mounted large scale Solar Energy System with 100 kW AC or larger of rated nameplate capacity are allowed in Business and Industrial Districts subject to a Special Use Permit by the Stafford Planning and Zoning Commission prior to construction, installation, or modification as provided in this section

a. **General**

All plans and maps shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Connecticut.

b. **Required Documents**

Pursuant to the site plan review process, the project proponent shall provide the following documents in addition to the Site Plan submission requirements of Section 6.21:

- i. Blueprints or drawings of the Solar Energy System signed by a Professional Engineer licensed to practice in Connecticut showing the proposed layout of the system and any potential shading from nearby structures.
- ii. Manufacturer's data sheets or similar documentation of the major system components to be used, including the PV panels, mounting system, and inverter.
- iii. Full contact information, including name, address, phone number, and e-mail address for proposed system installer.
- iv. Name, address, phone number, and signature of the project proponent, as well as all co-proponents or property owners, if any.
- v. The name, contact information, and signature of any agents representing the project proponent; and
- vi. Documentation of actual or prospective access and control of the project site.
- vii. An operation and maintenance plan.
- viii. Zoning district designation for the parcel(s) of land comprising the project site.

ix. Proof of liability insurance.

The Stafford Planning and Zoning Commission may waive documentary requirements that it finds are unnecessary to determine compliance with these regulations, as it deems appropriate.

4. **Site Control:** The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed Solar Energy System.
5. **Operation and Maintenance Plan:** The project proponent shall submit a plan for the operation and maintenance of the large-scale, ground-mounted Solar Energy System, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
6. **Dimension and Density Requirements**
 - a. **Setbacks**

For large - scale ground-mounted Solar Energy System, front, side and rear setbacks shall be as follows:

 - i. Front yard: The front yard depth shall be at least 10 feet; provided, however, where the lot is across from a Residential district, the front yard shall not be less than 50 feet.
 - ii. Side yard. Each side yard shall have a depth at least 25 feet; provided, however, where the lot abuts a Residential district, the side yard shall not be less than 50 feet.
 - iii. Rear yard. The rear yard depth shall be at least 20 feet; provided, however, where the lot abuts a Residential district, the rear yard shall not be less than 50 feet
7. **Accessory Structures:** All accessory structures to large- scale ground-mounted Solar Energy System shall be subject to the underlying zoning requirements concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such accessory structures including, but not limited to, equipment shelters, storage facilities, transformers, and substations shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts as determined by the Commission.
8. **Design Standards**
 - a. **Lighting**

Lighting of large-scale Solar Energy System shall be consistent with local, state, and federal law. Lighting of other parts of the installation, such as

accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the Solar Energy System shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

b. Signage

Signs on large-scale ground-mounted Solar Energy System shall comply with the Sign regulations. A sign consistent with the regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number.

c. Utility Connections

Reasonable efforts, as determined by the Stafford Planning and Zoning Commission, shall be made to place all wiring from the Solar Energy System underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers, inverters, and switchgears for utility interconnections may be above ground.

d. Screening

A ground mounted large solar energy system shall be screened from adjoining residential districts by arborvitae or similar evergreen hedge planted six feet on center. The Commission may allow additional or alternative screening methods including existing vegetation when it is determined that such alternatives are more appropriate for the particular site. The Commission may also allow fencing greater than six (6) feet in height where deemed appropriate.

9. Safety and Environmental Standards

a. Emergency Services

The large scale Solar Energy System owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire marshal. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the Solar Energy System shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

b. Land Clearing and Soil Erosion Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the large-scale ground-mounted Solar Energy System or otherwise prescribed by applicable laws, regulations, and bylaws

10. Monitoring and Maintenance

a. **Solar Energy System Conditions**

The large-scale ground-mounted Solar Energy System owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Marshal and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the Solar Energy System and any access road(s), unless accepted as a public way.

11. **Abandonment or Decommissioning**

a. **Removal Requirements**

Any large-scale ground-mounted Solar Energy System that has reached the end of its useful life or has been abandoned consistent with section 5.60.2.12 b of this regulation shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Stafford Planning and Zoning Commission by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- i. Physical removal of all large-scale ground-mounted Solar Energy System, structures, equipment, security barriers, and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Stafford Planning and Zoning Commission may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- iv. A stabilization/re-vegetation plan shall be submitted along with the Site Plan application.

b. **Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Solar Energy System shall be considered abandoned when it fails to operate for more than one year without the written consent of the Stafford Planning and Zoning Commission. If the owner or operator of the large-scale ground-mounted Solar Energy System fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

Article VIII Administration and Enforcement

8.1 Zoning permits:

No structure shall be erected, expanded, or structurally altered and no land use shall be established until a permit has been issued as required below:

- A. A special permit use shall be in accordance with the procedure set forth in Section 8.10;
- B. A use requiring site plan approval shall be in accordance with the procedure set forth in Section 8.3;
- C. All other permitted uses in accordance with the procedure set forth in Section 8.25.

Additionally, zoning permits for all structures or additions exceeding four hundred (400) square feet shall be valid for the building foundation only until such time as a building foundation as-built by a licensed land surveyor licensed in the State of Connecticut has been submitted and approved by the Zoning Enforcement Officer. Such as-built shall indicate the location of the building foundation in relations to all property lines within fifty (50) feet, except that the Zoning Enforcement Officer may waive this request if, in his sole discretion, he determines that all zoning regulations are satisfied.

8.2 Certificate of zoning compliance

- A. No structure or land or any part thereof shall hereafter be occupied or used or changed to another use until a certificate of zoning compliance shall have been issued by the Zoning Enforcement Officer certifying that the Zoning Regulations have been complied with in full, including any limitations or conditions attached to any special use permit, site plan approval, or variance for the property covered by the certificate of zoning compliance. The Zoning Enforcement Officer shall issue or deny a certificate of zoning compliance within ten (10) days after a request for the same shall have been filed in his/her office by an owner or his/her agent.
- B. The Zoning Enforcement Officer may issue a temporary certificate of zoning compliance for the period up to one (1) year, if only a portion of a structure or land use is completed at the time the request for a certificate is made; or if minor non-compliances exist at such time that can be corrected without impairing the use of the structure of land. In this case, the Zoning Enforcement Officer shall list all non-compliances and set a date by that they shall be corrected. A temporary certificate of zoning compliance may be renewed for periods up to six (6) months if sufficient cause has been shown to the Zoning Enforcement Officer to warrant such an extension.
- C. A certificate of zoning compliance issued for the structure or use subject to a variance permitted by the Zoning Board of Appeals shall include a description of such variance

and any conditions under that such variance was granted and shall further specify whether or not such variance constitutes a nonconformity.

- D. A certificate of zoning compliance issued for a structure or use permitted as a special permit use after approval by the Commission shall include any conditions under that such special permit use was granted.
- E. When a proposed change, extension, enlargement, or alteration of land, buildings, or premises as to use or area or construction does not require a permit, a certificate of zoning compliance shall be applied for before such proposed changes are commenced.
- F. A certificate of zoning compliance will be issued within ten (10) days after completion and compliance with all applicable regulations, and record of all such certificates shall be kept on file in the office of the Zoning Enforcement Officer who will furnish certified copies upon payment of the required fee to any person having a proprietary or tenancy interest in the building, or premises affected.
- G. The Zoning Enforcement Officer may require evidence of continuing compliance from the owner of all structures and uses for that certificates of zoning compliance have been issued. The Zoning Enforcement Officer shall make periodic inspections of all structures and land uses for that permits have been issued under site plan approval or special use permit to determine continuing compliance. If the owner refuses to furnish such evidence, or if compliance with said permits has not continued, the Zoning Enforcement Officer shall take action according to Section 8.14 of these Regulations and, in addition thereto, may revoke said permits and certificates upon fifteen (15) days written notice to said owner or permit holder provided, however, said owner or permit holder may appeal said revocation order to the Zoning Board of Appeals within said fifteen (15) days and said revocation order shall be stayed until the decision of the Zoning Board of Appeals.

8.3 Site Plan Application Requirements:

An application for a zoning permit shall include a description of all proposed uses and four (4) prints of a site plan showing the subject parcel and abutting properties within one hundred (100) feet. Plans submitted for approval and subsequent recording shall be drawn on stable, transparent and reproducible material, at a scale of one inch equals 40 feet (1" = 40') or larger. Sheet size maximum is twenty-four inches by thirty-six inches (24" x 36"). The plan shall indicate the following:

- A. Name and address of owner-of-record and developer, scale of drawing, date of preparation, or revision; and, if a lot in a subdivision, a reference to the original subdivision plan. Abutting property owner names shall be indicated. Where a public hearing is required, abutters' mailing addresses shall also be submitted.
- B. A boundary survey of the lot. Where work is to be done on only a small portion of a parcel, then only that portion need normally be shown.

- C. A key map at a scale of not more than one inch equals one thousand feet (1" = 1,000') shall be included in order to assist in locating the property. Zoning boundaries shall be indicated thereon.
- D. The location, size, and height of all existing and proposed structures above and below the ground.
- E. The existing and proposed contours at two-foot (2) intervals or less, if any change in grading is proposed.
- F. The present and proposed use of all existing and proposed structures, if other than a single-family residence.
- G. The layout of existing and proposed parking and loading facilities and access thereto, including any parking barriers or walkways. Surface treatments to be specified.
- H. Location and details of proposed sanitary disposal system, whether by sewer hookup or subsurface disposal area, along with percolation test and deep pit data, if applicable. Said soil tests shall be approved by the Stafford Health District.
- I. Where surface or subsurface drainage facilities are to be constructed or modified, existing and proposed structures and piping with flow line elevations shall be shown.
- J. Location of existing and proposed water supply either by private well or tap from public water.
- K. The type and location of any exterior floodlighting or spotlighting, including provisions for shading.
- L. The type, size, and location of all signs where applicable.
- M. The type and location of any required and/or proposed screening or landscaping.
- N. Location of existing watercourses, marshes, wooded areas, ledge outcrops, single trees with a diameter of ten (10) inches, or more, measured three (3) feet above the base of the trunk with an indication of whether or not they are to be retained.
- O. In the case of uses requiring approvals by other agencies, such prior approvals shall be submitted.
- P. An erosion and sedimentation control plan and narrative shall accompany all applications where a proposal will disturb more than one-half (½) acre of land.
- Q. Space for review, comments, and signatures of pertinent officials.
- R. Such additional information as required by the Zoning Enforcement Officer or the Commission, where a special use permit or site plan approval is required, or where it is necessary to determine that the requirements of the Zoning Regulations are met. The Zoning Enforcement Officer may excuse compliance with requirements for specific information otherwise required on the plot plan where such compliance is not necessary to determine that zoning or other code regulations are met.

- S. Two (2) copies of dimensional plans of floors and elevations of any proposed structure, and specifications to indicate the size, kind, and quality of the proposed construction.

8.4 Time period of permits:

A zoning permit shall become void unless construction is commenced within six (6) months from the date of issuance unless such time shall have been extended in writing by the Zoning Enforcement Officer.

8.5 One- and two-family dwellings:

With the exception of one-family dwellings in WM zones, plot plans for one- and two-family dwellings may be limited to those requirements under section 8.3 above, which the Zoning Enforcement Officer shall determine as applicable.

8.6 Waiver of requirements:

The filing of building plans required in section 8.3 above and/or the submission of a plot plan required in section 8.5 above may be waived when the proposed work is of a minor nature or repairs provided the scope of the work is adequately described in the application.

8.7 Planning Review: Effective May 1, 2000

- A. The ZEO shall review and act upon applications, not part of a special use permit, requiring site plan approval, or the ZEO may require that the site plan be submitted to the Commission for review and action.
- B. Upon approval by the Commission or ZEO, the applicant shall cause to be filed with the town clerk the approved transparent print of the site plan.

8.8 Applications:

All applications for required permits shall be made to the Zoning Enforcement Officer on forms provided by his/her office.

8.9 Performance bond:

An owner may be required to post a bond in an amount sufficient to cover the cost of construction of street improvements, drainage, sewer and water supply, landscaping, and any other conditions required before a permit is issued. The performance bond shall not be released until the bonded work is completed to the satisfaction of all appropriate agencies.

8.10 Procedure for approval of applications:

Applications for required permits shall be reviewed and acted upon as follows:

A. Special Use Permit

1. All special permit uses are declared to possess characteristics of such unique and distinct form that each specific use shall be considered as an individual case. Special permit uses shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth therein, in addition to all other requirements of the Zoning Regulations.
2. The Zoning Enforcement Officer shall refer applications for special use permits to the Commission for receipt, hearing, and action as required by Sec. 8-2 of the Connecticut General Statutes as may be amended from time to time.
3. The applicant shall post a sign, available from the Zoning Enforcement Officer, giving notice of the application, in a conspicuous place on the property for that a special use permit approval is sought, visible from a public street. Said sign shall be posted ten (10) days before the public hearing, and it shall be removed not later than three (3) days after the close of the public hearing.
4. The Commission shall make a finding within sixty-five (65) days of public hearing that each of the following standards is met and, where necessary, shall attach specific conditions to its approval of the special use permit, if in its opinion such conditions are essential to making the finding.
5. The location and size of the use, the nature and intensity of the operations connected with it, the size of the lot in relation to it, and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in that it is located.
6. The kind, location, and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use or impair the value of adjacent properties.
7. The pedestrian, parking, and loading facilities are adequate and properly located for the proposed use and the entrance and exit driveways are laid out so as to achieve maximum safety.
8. The proposed uses permit the development of the site without the destruction of valuable natural assets or pollution of lakes, streams, and other water bodies while providing the best possible design of structures and land uses compatible with the shape, size, and topographic and natural character of the site. (Effective 6/11/08)
9. The proposed development will be compatible with the existing and future character of the neighborhood in that the development is to be located. Particular attention shall be paid to the type and density of adjacent residential development, the character

and use of existing highway facilities, and the Plan of Conservation and Development. (Effective 6/11/08)

10. The location and character of buildings shall create a harmonious grouping and shall be compatible with surrounding structures. (Effective 6/11/08)
11. The proposed development shall not create additional traffic not consistent with the character of the community nor any safety hazards or congestion upon the road system. Any improvements to public roads necessitated by the proposed development shall be the responsibility of the developer. (Effective 6/11/08)
12. The proposed development shall be of a superior site and architectural design that enhances the surrounding neighborhood environment. (Effective 6/11/08)
13. The proposed water supply facilities and facilities for the disposal of sanitary waste shall have sufficient capacity to accommodate the needs of the proposed development, maintain the environmental qualities of the community, and contain safeguards that would not have a negative impact upon the fiscal resources of the Town. (Effective 6/11/08)
14. After the approval, the applicant shall submit to the Zoning Commission five (5) prints and one (1) transparency of the plans as approved. The Commission shall file with the Zoning Enforcement Officer one (1) print and the transparency of the approved plan with the approval noted thereon and list of all conditions pertaining to the special use approval. One (1) print and said list shall be made available to the applicant.
15. Special Permit Requirements: An application for a special use permit for a commercial or industrial use with twenty thousand (20,000) square feet of gross floor area, or greater, or age restricted housing (Effective 6/11/08) shall include all information required for Site Plan application, as required by Section 6.21, plus the following: (Effective 4/1/06)
 - a. A statement indicating the specific types of proposed uses on the site.
 - b. The proposed timetable for development, including a description of phases, if any.
 - c. The pattern/method of ownership and maintenance of any interior roadways, public facilities, the sewerage disposal system(s), the water supply system(s), and other common elements.
 - d. A statement outlining how the proposed development conforms to the Comprehensive Plan embodied in these Regulations and the adopted Plan of Conservation and Development of the Town and how the proposal will utilize the resources of the site to the benefit of the neighborhood and the Town.

- e. The methods by that site utilities will be provided; a statement outlining how each of the requirements set forth in these Regulations is met and how each of the criteria for evaluation of the application is satisfied.
- f. *Key Map.* A key map at a scale of one (1) showing the location of the proposed development and its relationship to existing Town roads.
- g. *Adjacent Land Uses.* The boundaries of the subject parcel to be developed, owners of these parcels and adjacent parcels, roadways, structures, and land uses within five hundred (500) feet of the boundaries of the parcel.
- h. *Existing Site Features.* Existing structures, roads, land uses, topography at a contour interval of five (5) feet, or less, major and unique natural, scenic, historic, and open space features of the parcel and their relationship to the proposed development.
- i. *Proposed Land Uses.* The proposed density of land uses intended for different parts of the parcel, including the number of buildings, and the amount of land to be devoted to each land use.
- j. *Proposed Buildings.* The general height, bulk, use, and location of buildings.
- k. *Circulation:* The proposed location of roads, parking, and pedestrian circulation including tie-ins with existing Town facilities and the impact of the proposed use on traffic, including the impact on public roads. For any development that includes the construction of one hundred (100) parking spaces, or twenty thousand (20,000) square feet of gross floor area, the study should be prepared by a traffic engineer and shall include at a minimum, data, and information concerning existing and potential impact of the proposed development upon daily traffic (ADT) on town roads and state highways; peak hour traffic; adequacy of right of way and travel way widths; proposed traffic generation and distribution of proposed development; location of road cuts and driveways within three hundred (300) feet of the development; pedestrian circulation including safety considerations; and site lines of all intersections likely to be significantly impacted by the proposed development. If the Commission determines that the proposed project is likely to cause adverse impacts upon the pedestrian or traffic circulation or render any transportation facility inadequate for projected use, whether on Town roads adjacent to, on site, or off-site; the Commission may require that the developer make improvements to mitigate the impacts of the proposed development.
- l. *Restrictions.* The substance of any proposed covenants, easements, restrictions, and organizations.
- m. *Water Supply.* The proposed method of supplying potable water to the development.

- n. *Sewage Disposal.* The proposed method for the collection and disposal of all sanitary waste.
- o. *Storm Water.* The proposed storm water handling concept including possible utilization of detention, aquifer recharge, sediment control, irrigation, and fire protection storage.
- p. *Surface Water Quality.* A statement indicating the quality of existing watercourses through or near the site.
- q. *Erosion Control.* A statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.
- r. *Noise.* The expected intensity and frequency of noise.
- s. *Fiscal Impact.* The anticipated impact of the proposed development upon municipal revenues and expenditures, including projected expenditures for increased services.
- t. *Soils.* A detailed soil survey for the parcel prepared by the Conservation Service or its equivalent prepared by a qualified soils scientist.
- u. *Watercourses.* The location of any inland wetland and watercourse as defined by the Stafford Inland Wetlands and Watercourses Regulations, as amended.
- v. *Scheduling.* A general schedule of development in terms of time and site development area for all proposed phases.
- w. *Restrictions.* The substance of any proposed covenants. Easements, restrictions, and organizations.
- x. *Further Documentation.* Other documentation as may reasonably be required by the Commission.
- y. Architectural renderings of proposed buildings, as well as description of proposed architectural theme.
- z. For all applications that include storm water management facilities, water supply wells, sewers, or on-site wastewater treatment and disposal systems serving units located within five hundred (500) yards of a lake, pond, river, stream, or other water-dependent environmental resource, the applicant shall conduct an environmental impact study that would include testing and analysis to demonstrate that the proposed development would not cause adverse impacts to the environmental resource, including demonstration that the development will not adversely impact the hydrology or water quality of the resource. (Effective 6/11/08)
- aa. The Commission may have all and any of the information provided by the applicant reviewed by independent professional experts, as selected by the

Commission, the cost of these experts to be paid by the applicant, in accordance with Section 6.71 of these regulations. (Effective 6/11/08)

8.11 All other applications for permits

- A. Upon determination of the Zoning Enforcement Officer that the proposed structure or use complies with these Regulations, the Zoning Enforcement Officer shall issue the required permit. One (1) copy of the approved plot plan shall be returned to the applicant with the approval and number of the permit noted thereon. A copy of the approved plans shall be available for inspection at the premises during regular working hours.
- B. Before the actual placement of the foundation of any structure, the contractor or owner may be required to stake out the location of the proposed foundation and supply the Zoning Enforcement Officer with a certificate by a licensed surveyor that the location of such foundation, or any part of a structure to be erected thereon, complies with the approved plot plan.

8.12 Public Hearings

- A. **Written Notice:** Whenever an application is made pursuant to these Regulations that requires a public hearing or it is determined by the Commission or the Zoning Enforcement Officer the use or activity may have an effect on the abutters and a public hearing is required; the applicant shall in addition to any other requirements by the regulations of the Town of Stafford or Connecticut General Statute meet the following requirements:
 - 1. For special use permits, send written notice to the owner of record for each parcel within one hundred feet (100') of the property for that the permit is sought; notifying them of the filing of such application and the date and time at that the public hearing will be commenced on such application.
 - 2. For a zone change, send written notice to the owner of record for each parcel within five hundred feet (500') of the property for that the permit is sought; notifying them of the filing of such application and the date and time at that the public hearing will be commenced on such application.
 - 3. For subdivision and resubdivision, send written notice to the owner of record for each abutting parcel of the property for that the application is sought; notifying them of the filing of such application and the date and time at that the public hearing will be commenced on such application.
 - 4. For variances, send written notice to the owner of record for each abutting parcel of the property for that the application is sought; notifying them of the filing of such application and the date and time at that the public hearing will be commenced on such application.

5. Such notices shall be mailed by certified mail, return receipt requested, at least ten (10) days before the commencement of the public hearing, and proof of mailing shall be provided to the Commission before the conclusion of the public hearing.

8.13 Zoning Amendments

- A. A proposed amendment to the Zoning Regulations shall be submitted in correct legal form accompanied by a letter of explanation of why the change is being requested.
- B. A proposed amendment to the Zoning Map shall include a legal description of the area proposed to be changed and three (3) prints of a map drawn to scale showing the proposed change in the boundaries of the zoning map. All properties within five hundred (500) feet of the proposed change shall be identified as to use and owners' names and mailing addresses for all properties indicated. Uses and addresses may be supplied as attachments. Supplying of such information is not required for comprehensive or large area revisions.
- C. The applicant shall post a sign, available from the Zoning Enforcement Officer, giving notice of the application, in a conspicuous place on the property that a zone change is sought, visible from a public street. Said sign shall be posted ten (10) days before the public hearing, and it shall be removed not later than three (3) days after the close of the public hearing.
- D. Applicants requesting an amendment to the zoning map shall provide a preliminary site plan for property to be developed under the proposed zone. Said plan shall show proposed buildings and uses, parking, preliminary grading, driveway locations, and other features that will aid the Commission in its deliberations. Supporting reports such as traffic studies, feasibility studies, etc., shall be submitted at the time of application in order to allow adequate review by the Commission and its staff. These requirements shall not apply to proposals by the Commission.
- E. If a proposed change to the zoning map is approved, it shall be the responsibility of the applicant to provide a transparent print of the change on permanent material to the Commission for filing with the Town Clerk. Said map is to be submitted within seven (7) days of approval by the Commission accompanied by the required filing fee.

8.14 Enforcement:

A Zoning Enforcement Officer designated by the Commission shall administer and enforce these Regulations. Said Officer may be provided with the assistance of such other persons as the Commission may direct.

If the Zoning Enforcement Officer shall find that any of the provisions of these Regulations are being violated, he/she shall notify the person responsible for such violations, indicating the nature of the violations, and ordering the action necessary to correct same. Said official

shall, order, in writing, the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, or of additions, alterations, or other structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by these Regulations; or by provisions of the Connecticut General Statutes to ensure compliance with, or prevent a violation of its provision.

8.15 Zoning Board of Appeals:

The Zoning Board of Appeals, in a specific case, after public notice and hearing and subject to proper safeguards, may determine and vary the application of these Regulations herein prescribed in such manner as shall, in the interests of public welfare and in fairness to individuals, best carry out the general purpose and intent hereof.

A. Powers and Duties

1. To hear and decide appeals where it is alleged that there is an error in any order, requirements, or decision made by any official charged with the enforcement of these Regulations.
2. To hear and decide all matters upon that it is required to pass by the Zoning Regulations.
3. To determine and vary any requirement of the Zoning Regulations in harmony with their general purposes and intent so that substantial justice may be done. This authority shall be exercised solely in instances where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these Regulations and shall maintain the security of public health, safety, and welfare.

B. Variances:

No variance in the strict application of any of the requirements of the Zoning Regulations shall be granted unless the Zoning Board of Appeals shall find:

1. That there are conditions fully described in the findings of the Board, especially affecting the land or structure for that the variance is sought, that conditions are peculiar to such land or structure and not to the personal or financial circumstances of the appellant and that conditions are not affecting generally the area in that such land or structure is situated and have not resulted from any act of the appellant subsequent to the enactment of the requirement appealed from. Minor infractions of the location or height of a structure, or the dimension or area of a lot caused by human error may be considered sufficient cause for an affirmative finding of this paragraph unless, in the opinion of the Board of Appeals, such infractions can be repaired without impairing the use of the land or structure.
2. That the aforesaid conditions are such that the strict application of the requirements of the Zoning Regulations would deprive the appellant of the reasonable use of the

land or structure, and that the variance, as granted by the Board, is the minimum variance that will accomplish this purpose.

3. That the granting of the variance would not permit the property to be used for a purpose that is denied to the occupants of other properties in the same zoning district.
4. That the granting of the variance is in harmony with the general purpose and intent of the Zoning Regulations and will not be detrimental to public health, safety, convenience, welfare, and property values.
5. No use variance shall be granted unless the Board sets forth in its findings the reasons that the land or building(s) in question could not be appropriately used for any of the permitted uses of the zone in that the site is situated and the reasons that the proposed use is more appropriate than the permitted uses. In no case, however, shall the Board approve a use variance that would allow a use that is not permitted in any zone or that is specifically prohibited.
6. If a variance is granted, it shall be the responsibility of the applicant to file required documentation, as required by CGS Sec. 8-3d, with the Town Clerk within seven (7) days of approval by the Board.

C. Recording of Findings:

The records of the Board of Appeals shall include specific reasons for each of the findings above to be made before a variance may be granted. The Board of Appeals shall attach such conditions and safeguards as are necessary to insure continued compliance with the terms of the variance.

The applicant shall post a sign, available from the Zoning Enforcement Officer, giving notice of the application, in a conspicuous place on the property for that a variance or permit is sought visible from a public street. Said sign shall be posted ten (10) days before the public hearing, and it shall be removed not later than three (3) days after the close of the public hearing.

D. Rules and Procedures:

The Zoning Board of Appeals shall adopt such rules and regulations as may be deemed necessary to carry out the provisions of this Section.

1. All appeals and applications made to the Board shall be in writing on forms prescribed by the Board. Each appeal or application shall fully set forth the circumstances of the case and, where applicable, shall reasonably illustrate with map(s) and other drawings the nature and location of the appeal or request. Every appeal or application shall refer to the specific provision of the regulation involved and shall exactly set forth, as the case may be, the interpretation that is claimed or the details of the variance that is applied for and the grounds on that it is claimed that same should be granted.

2. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, or decision of the Zoning Enforcement Officer or to decide in favor of the applicant any matter upon that it is required to pass under any provision of these regulations or to vary the application of these regulations.
3. The time limit for filing an appeal shall be as per Section 8-7, Connecticut General Statutes.
4. All applications and appeals shall be accompanied by a fee as set by the Board.

8.16 Schedule of fees:

Fees for the various permits and applications required by the Zoning Regulations are hereby established as follows: (Effective 4/25/07)

Permit/Application	Fee
Site Plan	\$120.00
House Permit	\$100.00
Special use permit; special exception	\$250.00
Amendment to zoning map or regulations	\$150.00
Forestry	\$80.00
Campground Permit/Renewal	\$80.00
ZBA Variance Application	\$250.00
Site Plan	\$120.00
Special Use Permit	\$150.00
Earth Removal and Blasting Permit and Renewal	\$225.00
Temporary Earth Removal Permit	\$75.00
Temporary Processing Permit	\$50.00
Miscellaneous Zoning Permit	\$50.00

The Commission may waive any of the aforesaid fees established in this section; any waiver shall be accompanied by a statement of reason.

8.17 Fees for Outside Experts:

The Commission may, at its discretion, hire or engage outside experts to assist in its evaluation of any application for site plan approval, by special exception. The total costs for all outside expertise shall be borne by the applicant. The Commission may require an initial payment, to be determined, for the hiring of these experts, prior to 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 thirty (30) days of receiving an

invoice, the Commission may revoke all approvals of the application and pursue all necessary action to receive payment.

8.18 Continuity clause

- A. All terms and conditions of special use permits granted by the Commission or by variances granted by the Board of Appeals or of any other conditions of approval granted prior to September 15, 1994, shall remain in force unless amended by any subsequent action under these Zoning Regulations.
- B. Except as hereafter stated, it is not intended by these Regulations to repeal or in any way impair any existing provisions of law or ordinance or any rule and regulation previously adopted or that shall be adopted; nor is it intended by these regulations to interfere with any covenants or other agreements between parties provided, however, that where these Regulations impose a greater restriction upon the use of land and structures or any other larger requirements than are imposed by any provisions of law or ordinance or by any such rules and regulations or by any such covenants or other agreements the provisions of these Regulations shall hereafter prevail.

8.19 Validity:

If any section, paragraph, subdivision, clause, or provision of this act shall be adjudged invalid or unconstitutional for any reason, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provisions upon that such adjudication is based, and the remainder of this act shall be deemed to be and shall continue to be valid and in full force and effect.

8.20 Amendments:

The provisions of this act may from time to time be amended, changed, or repealed as provided in Section 8-3 of the Connecticut General Statutes and in accordance with Sec. 6.40 of these Regulations.

8.21 Repealing clause:

The provisions of the Zoning Regulations of the Town of Stafford as originally adopted on March 23, 1972, and the Zoning Regulations of the Borough of Stafford Springs as originally adopted on April 7, 1972, and subsequently revised and amended are repealed as of the effective date of these Regulations, except that all terms and conditions attached to special use permits approved by the Commission and variances approved by the Zoning Board of Appeal shall remain in effect.

8.22 Revised Date: March 9, 1999

1. Effective Date: March 31, 1999
2. Amended as noted October 28, 2003, effective date of November 15, 2003.
3. Amended as noted November 25, 2003, effective date of December 19, 2003.
4. Amended as noted November 23, 2004, effective date of December 15, 2004.
5. Amended as noted April 6, 2005, effective date of April 6, 2005.
6. Amended as noted April 26, 2005, effective date of April 26, 2005.
7. Amended as noted July 26, 2005, effective date of July 27, 2005.
8. Amended as noted March 14, 2006, effective date of April 1, 2006.
9. Amended as noted March 28, 2006, effective date of April 1, 2006.
10. Amended as noted April 25, 2007.
11. Amended as noted June 11, 2008.
12. Amended as noted July 8, 2008.
13. Amended as noted August 12, 2008.
14. Amended as noted September 28, 2010.