TOWN OF TRUMBULL
ZONING REGULATIONS

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Table of Contents

ARTICLE I-GENERAL 1

SECTION 1: PURPOSES **1**

SECTION 2: CLASSES OF ZONES **3**

SECTION 3: DEFINITIONS **5**

SECTION 4: NONCONFORMING LOTS, USES, BUILDINGS, AND/OR STRUCTURES **29**

4.0 Intent. **29**

4.1 Existing Nonconforming Lots. **29**

4.2 Nonconforming Uses. **30**

4.3 Nonconforming Buildings and Structures. **31**

4.4 Illegal Use. **33**

4.5 Special Permits and Variances, Amendments to Regulations or Zones. **34**

4.6 Expiration of Special Permits, Special Permits, and Variances. **34**

SECTION 5: APPLICABLE TO ALL ZONES **35**

5.1 Corner Visibility **35**

5.2 Fences and Walls **35**

5.3 Stormwater Management **37**

A. Minimum Submission Requirements for Stormwater Management Plan **38**

B. Design Standards and Criteria for Stormwater Management Plans. **39**

5.4 Street Numbers. **41**

5.5 Keeping of Livestock. **41**

ARTICLE II-USE REGULATIONS 42

SECTION 1: SINGLE FAMILY RESIDENCE ZONES **42**

1.1 Residence AAA (1 acre), Residence AA (1 acre) and Residence A (1/2 Acre) **42**

1.1.1 Permitted Uses 42

1.1.2 Permitted Accessory Uses....42
1.1.3 Special Exception Uses....49
1.1.4 Special Permit Uses....49
1.1.5 Bulk (Building Standards)....53
1.1.6 Provisions for Vehicles....53
1.1.7 Signs....54
1.1.8 Special Regulations....54
Municipal Housing Development (MHD) in Residence Zone AA....54

SECTION 2: SPECIAL RESIDENTIAL ZONES....59

2.1 Professional Office Overlay Zone (formerly Design District)....59
2.1.1 Statement of Purpose....59
2.1.2 Location....59
2.1.3 Conditions....60
2.1.4 Permitted Uses....62
2.1.5 Application Procedure....63
2.1.6 Special Regulations for the Professional Office Overlay Zone South of the Merrit Parkway (POOZ South)....63

2.1.7 Special Regulations for the Professional Office Overlay Zone for Properties Located in the POOZ with frontage along the south side of White Plains Road (Rte. 127) starting at the corner of Reservoir Drive and ending at the corner of Alice Place (POOZ Central).....64

2.2 Planned Residential Conservation Zone....65
2.2.1 Purpose....65
2.2.2 Size of Zone....65
2.2.3 Location of Zone....65
2.2.4 Density, Yield Plan....65
2.2.5 Permitted Uses....65
2.2.6 Bulk (Building Standards)....66
2.2.7 Coverage....66
2.2.8 Utility and Road Requirements....66
2.2.9 Conservation Areas....67
2.2.10 Landscaping....67
2.2.11 Design Review....67
2.2.12 Parking....67
2.2.13 Application for Zone Change Approval....67
2.2.14 Standards for Zone Change Approval....68
2.2.15 Standards for Site Plan Approval and Design Review....68

2.3 Affordable Housing Zones....71
2.3.1 Application Requirements....71
2.3.2 Hearing and Decision....72

2.4 Age Restricted Housing Zone....72
2.4.1 Purpose and Intent....72
2.4.2 Location of Zone....73
2.4.3 Permitted Uses....73

2.4.4 Density 73
2.4.5 Bulk (Building Standards) 74
2.4.6 Utility and Road Requirements 74
2.4.7 Landscaping 75
2.4.8 Design Review 75
2.4.9 Provisions for Vehicles 75
2.4.10 Application for Zone Change Approval 75
2.4.11 Standards for Zone Change Approval 76
2.4.12 Standards for Design 77
2.4.13 Continuing Nature of Standards 79

2.5 Assisted Living Facility Zone (Residential) 80
2.5.1 Purpose and Intent 80
2.5.2 Site of Zone 81
2.5.3 Location of Zone 81
2.5.4 Bulk (Building Standards) 82
2.5.5 Utility and Road Requirements 82
2.5.6 Landscaping 83
2.5.7 Design Review 83
2.5.8 Provisions for Vehicles 83
2.5.9 Application for Zone Change Approval 83
2.5.10 Standards for Zone Change Approval 84
2.5.11 Standards for Design 85
2.5.12 Continuing Nature of Standards 86

2.6 Assisted Living Facility Zone (Industrial) 88
2.6.1 Purpose and Intent 88
2.6.2 Site of Zone 89
2.6.3 Location of Zone 89
2.6.4 Bulk (Building Standards) 89
2.6.5 Provision for Vehicles 89

2.7 Village Residence District 90
2.7.1 Purpose 90
2.7.2 Establishment of District 90
2.7.3 Construction of Improvements 95

2.8 Reservoir Apartment District Overlay Zone 96
2.8.1. Purpose 96
2.8.2 Establishment of District 96
2.8.3 Bond 98
2.8.4 Application Procedure for Zone Change 98
2.8.5 Limitation on RAD Overlay Zone 99

2.9 Active Adult Community Zone 100
2.9.1 Purpose and Intent 100
2.9.2 Location of Zone 100
2.9.3 Permitted Uses 100
2.9.4 Density 100

2.9.5 Bulk (Building Standards) 100
2.9.6 Utility and Road Requirements 101
2.9.7 Landscaping 101
2.9.8 Design Review 101
2.9.9 Provisions for Vehicles 102
2.9.10 Application for Zone Change Approval 102
2.9.11 Standards for Zone Change Approval 102
2.9.12 Standards for Design 103
2.9.13 Continuing Nature of Standards 104

SECTION 3: COMMERCIAL ZONES 105

3.1 Commercial Zone B-C (Business) 105
3.1.1 Permitted Uses 105
3.1.2 Accessory Uses 105
3.1.3 Special Exception Uses 106
3.1.4 Special Permit 106
3.1.5 Bulk (Building Standards) 109
3.1.6 Provisions for Vehicles 111
3.1.7 Signs 112
3.1.8 Special Regulations for the B-C Zone 115
3.1.9 Modifications to Existing Approval 116

3.2 B-C-Long Hill Green and Town Hall Node (Business/Residential) 117
3.2.2 Permitted Accessory Uses 118
3.2.3 Special Exception Uses 118
3.2.4 Special Permit 119
3.2.5 Bulk (Building Standards) 121
3.2.6 Design Guidelines 122
3.2.7 Provisions for Vehicles 123
3.2.8 Signs 123
3.2.9 Lighting 125
3.2.10 Additional Special Regulations 125
3.2.11 Modifications to Existing Approval 126

3.3 Village Retail Overlay Zone 127
3.3.1 Permitted Uses 127
3.3.2 Special Exception Uses 127
3.3.3 Special Permit 127
3.3.4 Bulk (Building Standards) 128
3.3.5 Design Guidelines 129
3.3.6 Provisions for Vehicles 129
3.3.6.1 Business and Professional Offices 129
3.3.6.2 Retail Stores and Banks 129
3.3.6.3 Restaurants 130
3.3.6.4 Seasonal Outdoor Dining 130
3.3.6.5 Bicycle Parking 130
3.3.7 Signs 130
3.3.8 Lighting 132

3.3.9 Additional Special Regulations....132

3.4 Mixed-Use Design District (MDD)....133
3.4.1 Purpose....133
3.4.2 Permitted Uses....133
3.4.3 Permitted Accessory Uses....134
3.4.4 Special Permit Uses....135
3.4.5 Site Plan approval....136
3.4.6 Bulk Restrictions and Design Requirements....137
3.4.7 Provisions for Vehicles....138
3.4.8 Signs139
3.4.9 Master Plan Requirement....141

3.5 Mixed-Use Overlay Zone in Commercial Zone B-C....142
3.5.1 Statement of Purpose....142
3.5.2 Location....142
3.5.3 Requirements....142
3.5.4 Application Procedure....143

3.6 Trumbull Center Mixed-Use Overlay Zone in Commercial Zone B-C....144
3.6.1 Statement of Purpose....144
3.6.2 Location....144
3.6.3 Requirements....144
3.6.4 Application Procedure for Zone Change....146

3.7 Main Street Service Zone....147
3.7.1 Permitted Uses....147
3.7.2 Permitted Accessory Uses....147
3.7.3 Special Exception Uses....147
3.7.4 Special Permit....148
3.7.5 Bulk (Building Standards)....148
3.7.6 Provisions for Vehicles....148
3.7.7 Signs....149
3.7.8 Lighting....149
3.7.9 Additional Special Regulations....149
3.7.10 Modifications to Existing Approval....150

SECTION 4: INDUSTRIAL ZONES....151

4.1 Industrial Zone I-L (Light Industry - 5 acres), Industrial Zone I-L2 (Light Industry - 2 acres), and Industrial Zone I-L3 (Light Industry - 3 acres)....151
4.1.1 Permitted Principal Uses:....151
4.1.2 Permitted Accessory Uses....151
4.1.3 Special Exception Uses....152
4.1.4 Special Permit Uses....152
4.1.5 Bulk (Building Standards)....152
4.1.6 Provisions for Vehicles....153
4.1.7 Signs....153
4.1.8 Special Regulation for the Industrial Zone I-L (Light Industry – 5 acres)....154

4.1.9 Special Regulation for the I-L3 Zone (Light Industry – 3 acres) 154
4.1.10 Modifications to Existing Approval 155

4.2 Age Restricted Housing Overlay Zone in Industrial Zone I-L2 156
4.2.1 Statement of Purpose 156
4.2.2 Location 156
4.2.3 Requirements 156
4.2.4 Bulk (Building Standards) 157
4.2.5 Amenities and Recreation 157
4.2.6 Application Procedure for Zone Change 158

SECTION 5: RESERVED 159

SECTION 6: ADAPTIVE REUSE 160

6.1 Purpose: 160

6.2 Qualifying Adaptive Reuses: 160

6.3 Adaptive Reuse Performance Standards: 161

6.4 Adaptive Reuse Procedures: 162

6.5 Special Requirements for Approval of Adaptive Reuse: 162

SECTION 7: SPECIAL PROVISIONS FOR CERTAIN ZONES 163

2.8 Reserved 163

2.9 Reserved 163

7.3 Planned Residential Development Unit Ownership 164
7.3.1 Purpose and Intent 164
7.3.2 Regulations for Planned Residential Development 164
7.3.3 Definitions 164
7.3.4 Permitted Districts 165
7.3.5 Maximum Coverage 165
7.3.6 Yard Requirements 165
7.3.7 Maximum Building Height and Unit Sizes 165
7.3.8 Off-Street Parking 166
7.3.9 Utilities 166
7.3.10 Recreation Area and Open Space 166
7.3.11 Interior Facilities 166
7.3.12 Accessory Buildings 167
7.3.13 Walkways 167
7.3.14 Sign Regulations 167
7.3.15 Lighting 167
7.3.16 Refuse Collection 167
7.3.17 Mail Boxes 168
7.3.18 Site Plan Submission 168

7.3.19 Architectural Design 168
7.3.20 Landscaping and Screening....168
7.3.21 Storm Drainage Facilities 169
7.3.22 Documentation 169
7.3.23 Continuing Nature of Standards (effective 9-20-01) 169
7.3.24 Acceptable Building Materials (effective 1-25-01) 169

7.4 Affordable Housing Development 170

7.5 Home Occupations 171

7.6 Multi-Family Overlay Zones.... 171
7.6.1 Purpose and Intent 171
7.6.2 Location Criteria for Multi-Family Overlay Zone....171
7.6.3 Uses Permitted by Special Permit....172
7.6.4 Development Standards 172
7.6.5 Procedural Requirements 176
7.6.6 Applicability of Other Regulations 178

ARTICLE III-LOT AND HOUSE SIZES, BUILDING LINES AND HEIGHT AND BULK OF BUILDINGS 179

1. Schedule of Minimum Lot and House Sizes, Building Lines and Limits on Height and Bulk of Buildings 179

2. Minimum Required Yards.... 179

3. Accessory Buildings 180

4. Height Exemption.... 180

5. Projections and Encroachments in Yards 180

6. Computation of Floor Area.... 181

7. Location of Swimming Pools and Tennis Courts.... 181

8. Open Space Subdivisions, Lot Size Reductions.... 181

9. Interior Lots.... 182

ARTICLE IV-GARAGES, PARKING SPACES AND LOADING AREAS.....186

1. Garages in Residence Zones 186

2. Outdoor Parking in Residence Zones 186

3. Loading Areas in Commercial and Industrial Zones.... 186

4. Parking for Commercial, Industrial, or Institutional Uses.... 186

4.1 Provision, Location, and Improvement of Parking Lots 186
4.1.1 Provision for Parking. 186
4.1.2 Location of Parking Spaces. 187
4.1.3 Parking for the Handicapped. 187
4.1.4 Surfacing. 187
4.1.5 Deferred Parking. 188
4.1.6 Drainage. 188

4.2 Illumination, Outdoor Lighting Regulations. 190

For the purposes of this Article IV only, the following definitions shall be used: 190
A. Lighting Plan 191
B. General Requirements: 192
C. Special Permits 193

Appendix A 194

Recommended Maintained Illuminance Values for Parking Lots 194

Appendix B 194

Service Station or Gas Pump Area Average Illuminance Levels 194

4.3 Quantity of Parking Spaces for Specific Uses. 195

4.4 Dimensions of Parking Space. 195

4.5 Use of Yards for Parking. 195

4.6 Landscaping of Parking Lots. 195
4.6.1 Purpose 195
4.6.2 Minimum Landscape Area Requirement (MLA) 195
4.6.3 General Requirements 196
4.6.4 Front Landscaped Areas 197
4.6.5 Perimeter Buffers 199
4.6.6 Interior Parking Lot Landscaping. 200
4.6.7 Visual Clearance. 200
4.6.8 Submission of a Landscape Plan. 200
4.6.9 Requirement for Surety. 201
4.6.10 No Waiver. 201

4.7 Pedestrian Circulation. 201

4.8 Continuing Character of Obligation. 201

4.9 Collective Provision. 202

4.10 Shared Use of Parking Spaces. 202

ARTICLE V-ADMINISTRATION AND ENFORCEMENT 203

1. Pending Applications for Building Permits. 203

2. Certificate of Zoning Compliance. 203
2.1 Issuance and Requirement. 203
2.2 Site Plans. 203
2.3 Building Plans. 204
2.4 Application Fees. 204
2.5 Compliance with Regulations. 204
2.6 Expiration of Certificate. 204
2.7 Compliance with Application; Revocation. 205

3. Building Permit. 206
3.1 Issuance. 206
3.2 Amendments. 206

4. Certificate of Occupancy. 207
4.1 Issuance. 207

5. Appeals of Decisions. 207

6. Special Exceptions, Special Permits, Variances. Filing; Deviations, Amendments, Misrepresentations. 207

7. Completion of Construction. 208

8. Assurance of Completion; Bonding. 208

9. Curb Cuts. 210

10. Enforcement. 210

11. Pre-Application/Preliminary Review Procedure. 211

ARTICLE VI-ZONING BOARD OF APPEALS.....213

1. Powers and Duties of Zoning Board of Appeals: 213

2. Procedures: 215

ARTICLE VII-SALE OF BEER, ALE, WINE, AND ALCOHOLIC LIQUOR 217

1. Procedure. 217

2. Zones in Which Permit Premises May Be Located. 217

3. Prohibitions. 218

4. Certification. 218

5. Nonconforming Uses. 218
6. Grocery Store Beer Permits and One Day Permits. 218
7. Change of Class of Permits. 218
8. Change of Location. 218
9. Premises Not Ready For Occupancy. 219
10. Waivers. 219
11. Discontinuance. 219
12. Severability. 219

ARTICLE VIII-USES PROHIBITED IN ALL ZONES 220

ARTICLE IX-TOPSOIL SAND, GRAVEL OR OTHER NATURAL RESOURCES 221

1. General. 221
2. Exceptions 221
3. Application. 221
4. Other Requirements of Application 223
5. Standards. 223
6. Procedures 224

ARTICLE X-SEDIMENT AND EROSION CONTROL REGULATIONS 226

1. Purpose. 226
2. Activities Requiring a Sediment and Erosion Control Plan (S&E Plan). 226
3. Exemptions. 226
4. Procedure. 226
5. Inspection 226
6. Standards. 227
7. Bond. 227

ARTICLE XI-FLOOD DAMAGE PREVENTION ORDINANCE 228

1. Statutory Authorization, Findings of Fact, Purpose and Objectives 228
1.1 Statutory Authorization 228
1.2 Findings of Fact 228
1.3 Statement of Purpose 228
1.4 Methods of Reducing Flood Losses.....229

2. Definitions. 229

3. General Provisions..... 234
3.1 Lands to which This Ordinance Applies: 234
3.2 Basis for Establishing the Areas of Special Flood Hazard.....234
3.3 Penalties for Non-Compliance 235
3.4 Abrogation and Greater Restrictions.....236
3.5 Interpretation 236
3.6 Warning and Disclaimer of Liability 236

4. Administration 236
4.1 Establishment of Development Permit.....236
4.2 Designation of the Town Engineer.....237
4.3 Duties and Responsibilities of the Town Engineer.....237
4.3-1 Permit Review.....237
4.3-2 Use of Other Base Flood Data.....237
4.3-3 Information To Be Obtained and Maintained.....237
4.3-4 Alteration of Watercourses 238
4.3-5 Interpretation of FIRM Boundaries.....238

4.4 Variance Procedure..... 238
4.4-1 Appeal Board 238
4.4-2 Conditions for variances 240

5. Provisions for Flood Hazard Reduction..... 241
5.1 General Standards 241
5.1-1 Anchoring.....241
5.1-2 Construction Materials and Methods.....241
5.1-3 Utilities.....241
5.1-4 Subdivision Proposals 242
5.1-5 Flood Carrying Capacity 242
5.2 Specific Standards.....242
5.2-1 Residential Construction.....242
5.2-2 Non-residential Construction.....242
5.2-3 Manufactured Homes.....243
5.3 Base Flood Elevation and Floodway Data 243
5.4 Standards for Streams Without Established Base Flood Elevations and/or Floodways. 244
5.5 Floodways 244
5.6 Equal Conveyance. 244
5.7 Compensatory Storage. 244
5.8 Aboveground Storage Tanks.....245

5.9 Portion of Structure in Flood Zone 245
5.10 Structures in Two Flood Zones....245
5.11 No Structures Entirely or Partially Over Water....245

ARTICLE XII-WIRELESS TELECOMMUNICATION FACILITIES, ...246

TOWERS, ANTENNAS, AND SATELLITE DISHES....246

1. Preamble 246

2. Consistency with Federal Law.... 246

3. Relevant Definitions 247

4. Permitted and Exempted Uses 250
1. Permitted Uses 250
2. Exemptions 250
5. Application Requirements 251

6. General Requirements.... 263

7. Commission Approval Process 265

8 - Certification, Monitoring, and Evaluation 267

9 - Removal Requirements.... 269

10 - Additional Fees and Insurance 269

11 - Satellite Communications 271

12 - Replacement by State Regulations.... 271

ARTICLE XIII-SIGN REGULATIONS....272

1. Authorization. 272

2. Purpose. 272

3. Prohibited Signs. 272
3.1 Flashing signs 272
3.2 Moving signs (also at times called "mechanical" signs) 272
3.3 Portable or mobile signs 272
3.4 Advertising signs 272
3.5 Signs painted directly upon any building surface 272
3.6 Roof signs or sky signs 273
3.7 Any sign which displays lights, resembling those customarily used by police, fire, ambulance, ...273
3.8 Any illuminated sign in which the background (as opposed to the text) is illuminated 273

4. Exempt Signs. 273
4.1 Public Signs. 273
4.2 Small Identification Signs. 273
4.3 Gasoline Price Signs. 273
4.4 Political Position Signs. 274
4.5 Special Event and Election Temporary Signs. 274
4.6 Construction, Sale, and Rental Temporary Signs (On site). 274
4.7 Business Window Signs. 274
4.8 Tag Sale Signs. 275
4.9 Change in Text/Content. 276
4.10 Maintenance. 276
4.11 Art Forms. 276

5. Regulated Signs. 276
5.1 Application for Signs; Information Required. 276
5.2 Criteria for Review. 277
5.3 Action. 279

6. Specific Requirements for All Signs. 279
6.1 Location. 279
6.2 Height. 279
6.3 Obstruction. 279
6.4 Illumination. 280
6.5 Ground Sign Landscaping. 280
6.6 Maintenance. 280
6.7 Other Permits Required. 280
6.8 Nonconforming Signs. 280
6.9 Obsolete Signs. 280
6.10 Hazardous Signs. 282

7. Requirements for Residential, Commercial, and Industrial Signs. 282
7.1 Residential Signs. 282
7.2 Commercial and Industrial Signs. 282
7.3 New Business Opening Temporary Signs. 282

ARTICLE XIV-OPEN SPACE SUBDIVISION 284

1. Findings. 284

2. Purpose. 284

3 Definitions. 284

4. General Eligibility Requirements. 285

5. Application Procedure. 286

6. Standards and Controls. 287

7. Open Space and Development Restriction. 288

8. Protection of Surrounding Areas. 290

9. Location of Open Space. 290

ARTICLE XV-SPECIAL PERMIT/EXCEPTION 292

Intent 292

1. Special Permit/Exception Requirement. 292

2. Required Information for Special Permit/Exception. 292
2.1 Application 293
2.2 Site Plan. 293
2.3 Sanitary Waste Disposal Plan. 296
2.4 Soil Erosion and Sediment Control for Land Development. 297
2.5 Protection of Surface and Ground Water Supply. 297
2.6 Water Supply; Certificate for Community Wells. 298
2.7 Inland Wetlands and Watercourses. 298
2.8 Covenants and Restrictions. 298
2.9 General Provisions. 298

3. Application Procedure. 299
3.1 Who May Apply. 300
3.2 Informal Discussion. 300
3.3 Submission of Application. 300

4. Criteria for Decision. 303
4.1 Complete Application. 304
4.2 Compliance with Regulations. 304
4.3 Frontage Improvements. 304
4.4 Traffic Access. 304
4.5 Emergency Access. 305
4.6 Sanitary Waste Disposal Plans. 305
4.7 Erosion, Sediment, and Runoff Control Standards. 305
4.8 Wetland and Watercourse Protection. 306
4.9 Surface and Groundwater Protection. 306
4.10 Water Supply. 306
4.11 Public Health and Safety. 306
4.12 Appropriateness of Use. 306
4.13 Architectural Character, Historic Preservation, Site Design. 307
4.14 Uses In, Adjacent to, or Impacting Residential Areas. 308
4.15 Special Requirements for Uses in the Watershed of the Aquarion Water Company. 309

5. Specific Recommendations and Requirements for Sites and Buildings. 309
5.1 Building Materials. 309
5.2 Lighting. 310
5.3 Site Plan. 310

5.4 Landscaping and Screening. 310

ARTICLE XVI-EFFECTIVE DATE, VALIDITY AND AMENDMENTS 312

1. Effective Date. 312

2. Validity and Separability. 312

3. Amendments. 312

4. Regulations to Comply with Connecticut Law. 312

ARTICLE XVII-MORATORIUM ON MULTI-FAMILY RESIDENTIAL RENTAL HOUSING 313

ARTICLE XVIII SPECIAL STANDARDS FOR MIXED-USE DEVELOPMENTS 314

ARTICLE I-GENERAL

SECTION 1: PURPOSES

WHEREAS, the Planning and Zoning Commission of the Town of Trumbull has, over a period of years conducted studies of the physical, social, economic and governmental conditions and trends of said Town, both by itself and with the assistance of technical and expert guidance; and

WHEREAS, said Commission has held hearings and given opportunity for all the citizens of said Town and other parties in interest to state their opinion thereon, and as a result of said studies and of its own knowledge and experience on said subjects, said Commission has reached certain conclusions and made certain recommendations for the most desirable use of land within said Town for residential, recreational, commercial, industrial and other purposes, for the most desirable density of population in the several parts of said Town, for a system of principal thoroughfares, bridges, streets and other public ways, for parks, playgrounds, and other public grounds, for general location, relocation and improvements of public buildings, for the general location and extent of public utilities, water, sewage, light, power, transit and other purposes, for the extent and location of various types of housing and other related matters beneficial to said Town.

NOW, THEREFORE, the Zoning Districts and Regulations herein set forth are hereby promulgated, in consideration of the plan of conservation and development, to establish a comprehensive plan to promote with the greatest efficiency and economy the coordinated development and growth of the Town of Trumbull and the general welfare and prosperity of its people as follows: (a) to lessen congestion in the streets; (b) to secure safety from fire, panic, flood and other dangers; (c) to promote health and general welfare; (d) to provide adequate light and air; (e) to protect the state's historic, tribal, cultural and environmental resources; (f) to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; (g) to consider the impact of permitted land uses on contiguous municipalities and on the planning region in which Trumbull is located; (h) to address significant disparities in housing needs and access to educational, occupational and other opportunities; (i) to promote efficient review of proposals and applications; (j) to further the purposes of the federal Fair Housing Act (42 USC 3601 et. seq.) as amended from time to time; (k) to provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents in Trumbull and the planning region in which the Trumbull is located; (l) to promote housing choice and economic diversity in housing, including housing for both low and moderate income households; (m) to allow the development of housing which will meet the housing needs identified in the state's consolidated

plan for housing and community development prepared pursuant to Connecticut law (CGS Section 8-37t) and in the housing component and the other components of the state plan of conservation and development prepared pursuant to Connecticut law (CGS Section 16a-26); (n) to take reasonable consideration of the impact of development on agriculture; (o) to provide proper provisions be made for soil erosion and sediment control pursuant to Connecticut law (CGS Section 22a-329); (p) to provide for the reasonable protection of existing and potential public surface and ground drinking water supplies; and to attain all of the other goals and objectives as set forth in Connecticut General Statutes Section 8-2, as the same may be amended from time to time.

ARTICLE I

SECTION 2: CLASSES OF ZONES

The Town of Trumbull, Connecticut, is hereby divided into the following classes of zones as shown on the zoning map entitled, "Map of Trumbull, Connecticut, Zoning Map, Revised August, 1991", as amended from time to time, which is hereby made a part of these Regulations and which is on file in the Trumbull Town Clerk's Office; provided, however, that where there is any question regarding the boundaries of any zone or any inconsistency between the map and the written descriptions of zone boundaries, the written descriptions on file in the Planning and Zoning Office and the Town Clerk's Office shall control:

Single Family Residential Zones:

Residence Zone AAA	(minimum lot size 1 acre, 43,560 sq. ft.)
Residence Zone AA	(minimum lot size 1 acre, 43,560 sq. ft.)
Residence Zone A	(minimum lot size ½ acre, 21,780 sq. ft.)

Special Residential Overlay or Floating Zones:

Municipal Housing Development	(Trumbull Housing Authority)
Professional Office Overlay Zone	(Office Uses in Residential Zones)
Residence Zone PRCZ	(Planned Residential Conservation Zone)
Age-Restricted Housing Zone	(Age Restricted Housing)
Assisted Living Facility Zone	(Assisting Living Facilities)
Village Residence District (VRD)	(Residential)
Multi-Family Overlay Zone (MFO)	(Residential in I-L and I-L2 Zones)
Planned Residential Development Unit Ownership	(Residential)
Age-Restricted Housing Overlay Zone	(Residential in I-L2 Zone)

Commercial Zones:

Commercial Zone B-C	(Business)

Village Retail Overlay Zone	(Business)

Mixed-Use Zones and Mixed-Use Overlay Zones:

B-C-Long Hill Green / Town Hall Node	(Business/Residential)
Mixed-Use Design District (MDD)	(Business/Residential)
Mixed-Use Overlay Zone in Commercial Zone B-C	(Business/Residential in Commercial Zone B-C)
Trumbull Center Mixed-Use Overlay Zone	(Business/Residential in Commercial Zone B-C)

Industrial Zones:

Industrial Zone I-L	(Light Industry)
Industrial Zone I-L 2	(Light Industry – 2 acres)
Industrial Zone I-L 3	(Light Industry – 3 acres)
Other Zones:	None

ARTICLE I

SECTION 3: DEFINITIONS

3.0 Intent and General Rules of Construction.

In the interests of clarity and brevity, the following terms shall, unless otherwise stated, have the meaning herein indicated for all purposes of these Regulations. Words used in the present tense shall include the future tense. When the context so requires, words in the masculine, feminine or neuter gender hall include any gender, and words in the singular or plural shall include both singular and plural numbers. The underlined captions set forth in these Regulations are for convenience and reference only and shall not be deemed to define or limit the provisions hereof or to affect in any way their construction or application.

1. Abutting. Separated by no intervening private property; properties separated by a public or private street shall be deemed to be abutting but in no event separated by a distance of three hundred (300) feet.

2. Accessory Building or Structure. A building or structure, in addition to the principal building, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal building. Any accessory building physically attached to a principal building shall be deemed to be a part of such principal building in applying the Bulk Regulations to such building. Buildings Accessory to a residential use may include Sheds and Private Garages. See “Shed” and “Garage”.

3. Accessory Use. A use, in addition to the principal use, which is clearly subordinate to, and customarily incidental to, and located upon the same lot as, the principal use or on a contiguous lot under the same ownership.

4. Acre. An acre shall be defined for these Regulations as an area of 43,560 continuous square feet of land.

5. Alter, Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts thereof, the movement of all or any part thereof, or the substantial reconstruction thereof, so as to produce a substantial change in appearance, character, or construction; also means an enlargement, whether by increasing in height, coverage, volume or floor area. As applied to a use, means a change or enlargement in the character, area occupied by, intensity, or scope of the use, including, but not limited to, the extension of hours of operation, the addition of other

activities, equipment, functions, or processes, or the extension into additional land or building area.

6. Aquifers. A geologic formation or deposit that contains a considerable amount of obtainable groundwater; in particular, stratified drift areas having a saturated thickness greater than ten (10') feet which are located near large surface water bodies capable of supplying water to the aquifer by induced filtration.

7. Aquifer Protection/Groundwater Recharge Area. An area designated on the map entitled, Groundwater Recharge Area, on file in the Office of the Trumbull Town Clerk, which area is in the direct recharge area for a favorable known aquifer yielding volumes of water suitable for existing or potential public water supplies. A direct recharge area consists of: 1) those areas immediately overlying an aquifer and adjacent areas of stratified drift that may not have significant saturated thickness to be part of the aquifer but from which groundwater flows directly into the aquifer, and 2) those areas of adjacent till and bedrock from which groundwater flows directly into the stratified drift deposit.

8. Awning. A roof like cover that is temporary and collapsible in nature and that project from the wall of a building for the purpose of shielding a doorway or window from the elements. Awnings shall not project more than three (3') from the wall of the Building.

9. Basement. That portion of a building having its floor level partly or wholly below the adjacent finished grade, and which has, at any point, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building. Compare to "Cellar". See special definition in Article XI, Flood Damage Prevention.

10. Billboard. See "Sign, Advertising".

11. Bona Fide Non-Profit Organization. See “Non-Profit Organization, Bona Fide.”

12. Board. Wherever the term "Board" shall appear in these Regulations, it shall refer to the Trumbull Zoning Board of Appeals.

13. Brewery/Distillery. A facility where beer and/or spirits are manufactured, stored, bottled and/or sold at wholesale and/or at retail in sealed containers for consumption off premises and/or offered for on the premises tastings.

14. Brew Pubs. A facility where beer is manufactured, stored, bottled and/or sold at wholesale and/or at retail in sealed bottles or other sealed containers for consumption off premises and/or sold to be consumed on the premises in a room that is ancillary to the production of beer, with or without the sale of food.

15. Brewpub/Restaurant. A restaurant where beer is manufactured, stored, bottled and/or sold to be consumed on the premises.

16. Building. Any structure having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two (2) or more buildings by means of a porch, breezeway, passageway, carport, or other such roofed structure shall be deemed to make them one building. See special definitions in Article X, Soil Erosion and Sediment Control Regulations, and Article XI, Flood Damage Prevention.

17. Building, Accessory. See "Accessory Building".

18. Building Area/Building Coverage. The area of the ground beneath a building (i.e., dripline), including the area of all covered porches, eaves, and similar roofed portions of the building, but excluding Awnings projecting no more than three (3') feet.

19. Building Coverage, Maximum: The ratio between the Building Area and the gross area of the Lot. See Article III, Lot and House Sizes.

20. Building Height. The greatest vertical distance between the level of the first floor sill and the highest point of the building, including rooftop service structures housing mechanical equipment. (from former definition "Height").

21. Building Line. That straight line being parallel to the Lot Frontage Line a distance no less than the minimum Front Yard depth required by these Regulations.

22. Building, Nonconforming. See "Nonconforming Building".

23. Building Official. The Building Official, also known as the Building Inspector, of the Town of Trumbull.

24. Building Permit. A permit for construction issued by the Building Official pursuant to the Trumbull Building Code and these Regulations.

25. Building, Principal. See "Principal Building".

26. Bulk (Building Standards). The size and shape of buildings, structures and use areas and the physical relationships of their exterior walls or spatial limits with lot lines and other buildings, structures and uses, or with the other walls of the same building or other portions of the same structure or use. Bulk also includes the relationship of buildings, structures and uses with all yards and open spaces required by these Regulations and also includes provisions of these Regulations dealing with floor area ratio, building height, lot area per dwelling unit, lot frontage, lot width, required yards, courts, usable open space, spacing between buildings on a single lot, length of building in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or uses located, or to be located, thereon.

27. Intentionlly Omitted.

28. Certificate of Zoning Compliance. See Article V, Administration and Enforcement.

29. Cellar. That portion of a building having its floor level partly or wholly below the adjacent finished grade and which has, at no point, more than half its interior height measured from floor to rough ceiling above the finished grade of the ground adjoining the building. Compare to "Basement".

30. Cemetery. Land used for the burial of the dead, and dedicated for cemetery purposes, excluding columbarium, crematories, mausoleums and mortuaries, established and operated by a house of worship, an ecclesiastical society or cemetery association.

31. Chicken Coop. A facility to enclose and house chickens in the rear yards of residences.

32. Club. Land, buildings and facilities owned or operated by a non-profit entity for a recreational, social, patriotic, political, benevolent or athletic purpose, but not for pecuniary gain, nor to render a service which is customarily carried on as a business. A "club" shall cater only to its members or guests accompanying them. A "member of a club" shall be a person who, whether as a charter member or admitted in accordance with the by-laws of the club, has become a bona fide member thereof, who maintains his membership by the payment of his dues in accordance with such by laws and whose name and address are entered on the list of membership of the club.

33. Commission. The Planning and Zoning Commission of the Town of Trumbull.

34. Convalescent Home. A medical institution providing shelter, clothing and food to resident patients and meeting the definition of a Skilled Nursing Facility as that term is defined in applicable State and Federal law. "Convalescent Home" does not include "Rest Home".

35. County Soil and Water Conservation District. The Fairfield County Soil and Water Conservation District established pursuant to Connecticut General Statutes Section 22a 315, et. seq., as amended.

36. Cul-de-sac. The circular portion of the road at the end of a Dead End Street having a radius as required by the Town's road specifications. See "Dead End Street."

37. Day Care Center or Facilities. A use of land or buildings which offers or provides a program of supplementary care for compensation to more than twelve (12) related or unrelated children, or any number of adults, outside their own homes on a regular basis for a part of the twenty-four (24) hours in one or more days in the week. "Day Care Center" does not include services which are (1) administered by a public or private school system which is in compliance with Connecticut General Statutes Section 10 188, (2) recreation operations such as, but not limited to, boys' and girls' clubs, church related activities, scouting, camping or community youth programs, (3) informal arrangements among neighbors or relatives in their own homes, (4) drop-in supplementary child care operations where parents are on the premises for educational or recreational purposes and the child receives such care infrequently. "Day Care Center" includes "Child Care Center" as defined in Section 19a 77 of the Connecticut General Statutes, but does not include a "Family Child Care Home" or "Group Child Care Home" as defined in said Section.

38. Dead End Street. A proposed street, or any extension of an existing street, or any combination or pattern of streets or extensions thereof, having only one outlet to a through State or Town road.

39. Deck. An Accessory Structure consisting of one or more horizontal surfaces attached to and extending from the Dwelling and used for Accessory residential uses. For purposes of required Yards, a Deck shall be considered as a Building. See Subsection B in each zone under Article II (Permitted Accessory Uses, Buildings, and Structures). Compare to "Terrace".

40. Development. Any man made change to real estate, including but not limited to, the construction of buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations but excluding the tilling of soil as part of a bona fide

farming or gardening operation. See special definitions in Article X, Soil Erosion and Sediment Control Regulations, and Article XI, Flood Damage Preventions.

41. District. See "Zone".

42. Dog Day Care. A commercial dog day care provided that it is not occupied by more than one (1) dog per 50 square feet of indoor space; must provide an outdoor run connected therewith which is fenced in. The facility must be inspected and licensed by the State of Connecticut.

43. Drive-in. A Principal Use, or an establishment designed or operated for such use, where a patron is served while seated in an automobile located in an off-street or on street parking area, driveway, or similar area. Compare to “Drive-Through”.

44. Drive-Through. An Accessory Use to a permitted Principal Use where patrons may, as an option to entering a Building to transact business, receive similar services or obtain similar goods while remaining in their motor vehicles. Compare to “Drive-In”.

45. Driveway. Any access from a public highway used, designed, or intended to be used for vehicular ingress and egress to any building, structure, use or lot.

46. Driveway, Common. A driveway serving more than one (1) residential lot.

47. Dustless Surface. For permanent uses: Adequately covered with concrete, asphalt, or bituminous products. For temporary uses: Screenings, stone, or gravel adequately treated with water, calcium chloride, or similar dust inhibiting substances and maintained in good condition at all times.

48. Dwelling. Any building designed and/or used for human habitation erected on a closed solid foundation, using permanent weather proof exterior materials, constructed with ceilings and walls finished on the interior with lath and plaster or some comparable material; with facilities which are used or intended to be used for living, sleeping, cooking and eating.

49. Dwelling, one family. A single detached dwelling on one (1) lot designed and/or used for residential purposes for one (1) Family only. One or more rooms in a one family dwelling which are arranged or used for separate occupancy by a person or persons related by blood or marriage to the occupant(s) of the dwelling shall be considered as an accessory use and shall not constitute a separate dwelling; provided, however, that such

room(s) contain no provisions for cooking, eating, or dishwashing, and provided further that no compensation is paid for such occupancy.

50. Dwelling, two-family. A single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by two (2) families living independently of each other; having separate entrances or a foyer with separate entrances, and separate services and facilities. (Amended effective February 16, 2010)

51. Dwelling, multiple family. A single detached dwelling on one (1) lot used for residential purposes designed and/or used for occupancy by three (3) or more families living independently of each other, having separate or joint entrances, services and facilities.

52. Dwelling Unit. Any room or group of rooms located within a residential building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one (1) Family.

53. Easement. A right, established in Deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

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

55. Extend, or to Make an Extension. An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, non-residential use of land, buildings, or structures.

56. Family. (a) One or more individuals related by blood, marriage, civil union, adoption, foster child status, living together as a single housekeeping unit, plus up to two (2) persons, not so related.

57. Family Child Care Home. "Family Child Care Home" is as defined in Section 19a-77 of the Connecticut General Statutes, as amended from time to time, but does not include "Group Child Care Home" or "Child Care Center" as defined in said Section.

58. Farm. Any tract of land no less than five (5) acres in area (if no livestock is kept), or ten (10) acres in area (where livestock is raised or kept), for which the principal use is dairying or the raising of agricultural products, forest products, Livestock, or Poultry, and any uses accessory thereto. An accessory use that is a recreational/entertainment use and supports the viability of the farm may be approved by Special Permit application to the Commission pursuant to these Regulations, provided that the Commission finds that the scope and scale of the recreational/entertainment use is accessory in nature and is appropriate for the surrounding area. The following uses shall not be permitted on a farm: Commercial dog kennels; commercial livery and boarding stables; commercial veterinary hospitals; cattle feed lots; rendering plants, slaughter and/ or packing houses and other similar commercial and/or industrial operations which do not directly relate to the production of raw, unprocessed agricultural products. See Art. I, Sec. 5.5, Keeping of Livestock.

59. Fence. A structure for enclosure or screening, including a wall.

60. Fire Lane. The aisle immediately adjacent to any Building or Structure reserved for access by emergency public safety vehicles and in which no parking or standing is permitted.

61. Fire Marshal. The legally designated Fire Marshal of the Town of Trumbull or his authorized representative(s).

62. Flea Market. The use of land or buildings, or any combination thereof, for the commercial sale of new or used products by one or more vendors on a continuous, regular, or intermittent basis. A flea market shall be deemed to be a commercial activity and shall comply with all provisions of these Regulations applicable to such uses. The isolated sale by the occupants of one or more dwellings, or by clubs, nonprofit religious, educational, charitable, and other similar organizations, of used household articles, baked goods, household crafts, and similar items, shall not be considered a "Flea Market" provided such activity complies with the definition of "Accessory Use" contained in these Regulations.

63. Flood (or Flooding). See, Article XI, Flood Damage Prevention Regulations.

64. Flood Plain. Those areas subject to flooding at base flood as designated Zones A, A7, A8, A10 and A12 on the Trumbull Federal Insurance Rate Maps (FIRM) dated [check date] and the accompanying Trumbull Flood Insurance Study, as the same may be amended from time to time, and on file in the Office of the Town Clerk.

65. Floor Area, Gross. The sum of the gross area (horizontal) of every floor of a building, as measured by the exterior faces of the walls or from the centerline of party or common

walls separating two buildings, dwellings, or distinct and separate non-residential uses having no common exterior access. "Floor Area, Gross" shall include: (a) Half-Story, whether or not a floor has been laid, over which there is structural headroom of 7 feet or more; (b) floor space used for mechanical equipment with structural headroom of 7 feet or more; (c) roofed porches, breezeways, interior balconies and mezzanines; (d) any roofed over space not located in a basement such as a garage or carport for off-street parking accessory to a dwelling. "Floor Area, Gross" shall not include: (a) Basement or Cellar space; except that any such space used for a non-residential use shall be included for the purpose of calculating the required off street parking spaces for such use; (b) elevator shafts and stairwells, accessory water tanks and cooling towers; and (c) patios, terraces, decks, unroofed open porches/decks, and outside uncovered steps, even if covered by an Awning not projecting more than three (3') feet from the building. Any floor area having a height of more than twelve (12') feet shall be deemed to be two floors for the calculation of Gross Floor Area.

66. Floor Area, Livable. That portion of the Gross Floor Area on a Dwelling which is adequately provided with heat, light and ventilation so as to be suitable for residential use and occupancy. "Floor Area, Livable" shall include: Finished basement or attic spaces and enclosed porches but shall exclude: Garage space; cellar space; terraces/patios, unroofed open porches, steps, and similar unenclosed or unfinished spaces; and stairways and halls serving more than one (1) dwelling unit. See, Article III, Lot and House Sizes.

67. Floor Area Ratio. The Gross Floor Area in square feet of all buildings on a Lot divided by the area of such Lot in square feet.

68. Frontage: See “Lot Frontage”.

69. Garage, Private. An Accessory Building, Accessory to a Dwelling, which is used for the storage of motor vehicles. Compare to “Shed.”

70. Garage, Public. An Accessory Building, Accessory to a commercial or industrial use, which is used for the temporary parking of motor vehicles for patrons or employees of the principal use, with or without a fee for such parking.

71. Governmental Services. Any activity or use, carried out by a public agency or its duly authorized agents, such as police stations, refuse disposal areas, schools, pollution control plants, highway garages, town halls, town office buildings, fire departments, non-commercial ambulance and other emergency services, and other similar uses.

72. Grade, Finished. The elevation of a particular point above or below a given reference datum (current accepted datum) measured after completion of construction, grading, landscaping, and similar improvements.

73. Grade, Existing. The elevation of a particular point above or below a given reference datum (current accepted datum) measured prior to construction, grading, landscaping, or similar improvements intended to manipulate the overall contour of the land.

74. Grading. The reshaping or altering of land surface through the removal (excavation) and/or placement (filling) of materials.

75. Gross Floor Area. See "Floor Area, Gross".

76. Group Child Care Home. "Group Day Care Home" is as defined in Section 19a 77 of the Connecticut General Statutes, as amended from time to time, but does not include "Family Child Care Home" or "Child Care Center" as defined in said Section.

77. Health/Fitness Club: Shall mean privately owned facilities where the primary focus is individual fitness or training. Typically, these clubs provide one or more of the following: exercise classes, weightlifting, gymnastics equipment, spas, locker rooms and/or a snack bar.

78. Health Official. The legally designated health authority of the Town of Trumbull or his/her authorized representative(s).

79. Helistop. A landing and take-off pad for the pickup and discharge of passengers by helicopter for the exclusive use of the owner of the lot upon which the helistop is located, excluding passenger service to the general public. A Helistop shall be accessory to the principal use of the lot or building upon which it is located.

80. Home Occupation. Accessory uses conducted for compensation by the occupant(s) of a residential building or lot which complies with the provisions of Article II, Section 7.5, Special Provisions for Certain Zones, of these Regulations.

81. Hotel. A building, designed and used primarily for temporary accommodations for six (6) or more transients, exclusive of employees residing on the premises, and which may include, as accessory uses, public rooms and meeting rooms, restaurant and banquet facilities, lounges serving liquor, recreational facilities, and accessory uses incidental to the foregoing.

82. Hotel, Extended Stay. A Building or group of Buildings designed and Used as a temporary abode for travelers, who may stay multiple nights and who have a permanent residence elsewhere. The guest rooms within an Extended Stay Hotel may have cooking facilities.

83. Inland Wetland. Those areas designated and defined as inland wetlands by the Trumbull Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

84. Junk Yard. An area of land, with or without buildings, used, either as a principal or accessory use, or occupied by the outdoor storage of used or discarded materials such as waste paper, rags, scrap metal, building materials, house furnishings, machinery, vehicles, or parts thereof, with or without dismantling, processing salvage, sale or other use or disposition of the same. A deposit, or the outdoor storage on a lot, of two (2) or more wrecked or unregistered vehicles, or vehicles otherwise not in a condition for legal use on public highways, or parts of two (2) or more such vehicles, shall be deemed a junk yard. See Article VIII, Uses Prohibited in All Zones.

85. Kennel, Dog. A Principal Use, open or enclosed, in which a total of more than three (3) or more pets, limited to dogs, are kept for breeding, boarding, grooming, or medical attention. “Kennel” does not include the keeping of pets Accessory to a Dwelling.

86. Livestock. Includes such domestic animals as horses, cows, goats and sheep, or the like, but excluding mink. See “Farm”. See, also, Art. I, Sec. 5.5, Keeping of Livestock. (Amended effective February 16, 2010)

87. Lot. One (1) or more contiguous parcels of land under unified ownership and separately described in a Deed of record, which is occupied or capable of being occupied by one (1) Principal Building and the Accessory Buildings or Uses customarily incidental to it, including such open spaces as are required by these Regulations, and, which, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the zone in which such parcel is located, or is a legal nonconforming parcel, as defined in these Regulations. In the case of multiple or two family dwellings, a group of buildings under the same ownership shall be considered as occupying the same Lot. The term "lot" includes the terms "plot" and "parcel", but those terms do not include the term "lot".

88. Lot Area. The area of a horizontal plane bounded by all lot lines. See, Article III, Buildable Area, and, also, Section 8, Area, Yard, and Height Requirements.

89. Lot, Corner. A lot of which two (2) adjacent sides face a street or streets so that the interior angle of the intersection is less than one hundred thirty five (135□) degrees,

provided that the corner of any such intersection is not rounded by a curve having an inside radius greater than fifty (50') feet.

90. Lot Coverage, Maximum. The total Lot Coverage consists of the aggregate ground coverage of all Buildings and Structures; outside storage areas; mechanical equipment on permanent foundations; all areas of off-street parking and loading spaces and access aisles and circulation driveways and similar Paved Areas; and Terraces consisting of asphalt, concrete, or other Impervious materials; but, excluding pedestrian sidewalks; Decks; ornamental plazas and Terraces consisting of paver blocks or other pervious materials; signs and landscaped islands within parking areas; and, for residential uses, excluding off-street parking or driveway areas.

91. Lot Frontage, Lot Frontage Line. The distance between the side lines of a lot measured along the street line. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage or, in the case of a corner lot, measured between the side lines on one side and the street line on the other. See, Art. III, Bulk, Interior Lots.

92. Lot Line. Any line designating the limits of a Lot.

93. Lot Line, Front. That Lot Line being along the Street Line which that Lot abuts. In the case of an Interior Lot, that Lot Line being closest to the Street from which the Lot derives its principal access.

94. Lot Line, Rear. The longest single straight Lot Line between Side Lot Lines which is roughly opposite of, and farthest from, the Front Lot Line; or, if such straight line does not exist due to irregular terrain, watercourse or other natural feature, the longest irregular boundary which is roughly opposite of, and farthest from, the Front Lot Line, which line is contained within the Lot. (Amended effective February 16, 2010)

95. Lot Line, Side. Any Lot Line not a Front Lot Line or a Rear Lot Line extending directly or indirectly from the Front Lot Line.

96. Lot, Nonconforming. See "Nonconforming Lot".

97. Lot, Interior. A Lot not having the minimum Lot Frontage required by these Regulations. See, Art. III, Sec. 9, Interior Lots.

98. Lot of Record. A lot for which a Deed and has been recorded in the Office of the Town Clerk of the Town of Trumbull, which lot meets the requirements of these Regulations

and of the Trumbull Subdivision Regulations, as the same were in force at the time of such recording. See, Article I, Section 4, Nonconforming Lots.

99. Manufacturing. Any process whereby articles are created or where the nature, size, or shape of articles is changed, or where articles are assembled or packaged in quantity.

100. Manufacturing, Boutique. Small scale establishments making custom products in limited quantities by hand or with a limited level of automation with a storefront.

101. Medical Marijuana Dispensary. A place of business where marijuana is dispensed or sold at retail to qualifying patients and primary caregivers, and for which the Connecticut Department of Consumer Protection has issued a dispensary facility permit or license to an applicant in accordance with Public Act 12-55, §21a-408, as amended, of the Regulation of Connecticut State Agencies.

102. Mobile Home. See "Trailer".

103. Nonconforming Building or Structure. A Building or Structure legally existing on the effective date of these Regulations (March, 1927), which met all requirements of the Zoning Regulations then in force, if any there were, on said effective date, but does not meet the current requirements of these Regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these Regulations. See, Art. I, Sec. 4 (Nonconforming Buildings and Structures).

104. Nonconforming Lot. A Lot of Record previously lawful that now violates any provision of these Regulations; subject to the requirements of Article I, Section 4, of these Regulations.

105. Nonconforming Use. The actual Use of a Parcel of land, Buildings, or Structures which is not a Use permitted on the effective date of these Regulations (March, 1927) for the zone in which such use is occurring, but which was legally existing and conformed to all requirements of the Regulations then in force, if any, on the effective date of these Regulations or on the effective date of any amendment hereto which caused the use to cease to meet the requirements of these Regulations. See, Art. I, Sec. 4, Nonconforming Uses.

106. Non-Profit Organization, Bona Fide: A non-profit, non-stock entity which qualifies for tax-deductible donations under applicable provisions of the Internal Revenue Code, as amended.

107. Nursing Home. See "Rest Home".

108. Occupy. To take possession or enter upon for the purpose of Using. When applied to a trailer, to use for sleeping and dwelling purposes.

109. Open Space (as applied to Bulk and Yard Requirements). An unoccupied space open to the sky on the same lot as the subject building or structure. See Art. IIII.

110. Open Space (as applied to Use of land for public benefit). Any Parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for non-commercial public use or enjoyment or for the non-commercial use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. “Open Space” may also include land improved for non-commercial active recreational activities open to the general public or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space. “Open Space” shall not include land Used for active recreational activities carried on for profit or functionally equivalent to such activities customarily carried on for profit, such as golf courses, tennis clubs, riding stables, and the like.

111. Parcel. Any contiguous piece of land, including one or more contiguous Lots of Record, unified under the same ownership, whether or not every said piece of land was acquired at the same time, including any parcel which is a "Lot", as that term is defined in these Regulations.

112. Park. An area set apart for recreation of the public to promote its health and enjoyment and owned and operated by a public or non-profit agency.

113. Parking, Handicapped. Parking spaces or bays designed for the exclusive use of handicapped persons or drivers as defined in section 14-253a of the Connecticut General Statutes and other applicable requirements of the State of Connecticut Basic Building Code, both as may be amended from time to time.

114. Parking, Deferred. The practice exercised at the discretion of the Commission or the Board, as the case may be, where a portion of the parking otherwise required by these Regulations need not initially be constructed but may be required to be constructed if it is determined by the Commission or the Board, as the case may be, that circumstances require such construction. See Art. IV, Garages, Parking Spaces, and Loading Areas.

115. Parking, Off-Street. Parking space(s) as required by these Regulations which is/are located outside a public Street right of way and on the same Lot as the Use which it serves. See Art. IV, Garages, Parking Spaces, and Loading Areas.

116. Parking, On-Street. Parking space(s) which is/are located within a public Street right of way adjacent to or in proximity to the Use which it serves. See Art. IV, Garages, Parking Spaces, and Loading Areas.

117. Parking, Peak Period. The period of maximum parking activity, which can be the hour, portion of a day, day of the week, or season of the year. See Art. IV, Garages, Parking Spaces, and Loading Areas.

118. Parking, Shared. The sharing of parking spaces by two or more Uses, each of which has a different Peak Parking Period. See Art. IV (Garages, Parking Spaces, and Loading Areas.).

119. Parking Space. See Art. IV (Garages, Parking Spaces, and Loading Areas).

120. Paved Area. An area covered with an impervious material such as concrete, asphalt, or bituminous concrete to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, streets, parking lots, driveways, loading areas, sidewalks, or impervious surface drainage swales. See “Lot Coverage, Maximum”.

121. Person. An individual, firm, partnership, joint venture, association, club, corporation, limited liability company, estate, trust, receiver, syndicate, or other entity or combination thereof.

122. Pharmacy, Retail. A place of business where medical supplies and pharmaceutical drugs are dispensed or sold at retail, not for the purpose of resale, to qualifying patients and primary caregivers.

123. Plan of Conservation and Development: That document or documents adopted by the Planning and Zoning Commission under the authority of Conn. Gen. Stats. §8-23, as the same may be amended from to time.

124. Pleasure Horse. A horse or pony maintained solely for the recreational use of the owner's Family. See Art. I, Section 5.5, Livestock.

125. Poultry. Chickens, turkeys, pheasants, ducks, and other birds customarily raised for their meat or eggs.

126. Premises. A Lot or Parcel and all Buildings, Uses and Structures located thereon.

127. Premises, Permit. That portion of any Building that has been granted a liquor permit by the State Liquor Control Commission. See Art. VII, Sale of Beer, Ale, Wine, and Alcoholic Liquor.

128. Principal Building. That single building, or inter related group of buildings, in which is conducted the principal use of the lot on which the building is situated.

129. Principal Use. The primary purpose or function for which a premises is used, designed, or intended to be used.

130. Private Occupational School: See “School, Private Occupational”.

131. Public. Used or controlled exclusively by any department or branch of a governmental unit; excluding clubs, associations, and other private entities which may serve a public purpose.

132. Public Garage. See, “Garage, Public”.

133. Queue Space. A space for a vehicle waiting in a line for some form of service, the length of which shall be equal to a Parking Space. See Art. IV, Garages, Parking Spaces, and Loading Areas.

134. Public Parking Lot. A Lot used for the storage of registered motor vehicles with Parking Space(s) available to the general public.

135. Restaurant, “Fast Food”: The retail sale of food to the general public for consumption on the Premises or where a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use; and, which is characterized by high volume of patronage, the promise of rapid service of meals, and a resulting short duration of stay and rapid turnover; and, including Drive-In or curb service as an Accessory Use. See, Art. II, Special Provisions.

136. Restaurant, Full Service. The retail sale of food to the general public for consumption on the Premises, with food service primarily to customers seated at tables or at counters in an enclosed Building. See, Art. 6, Special Provisions for Certain Zones.

137. Restaurant, Take-out. The retail sale of food to the general public where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the Building occupied by such Use. See, Art. II, Special Provisions for certain Zones.

138. Rest Home. An establishment which is licensed by the Department of Health Services pursuant to Chapter 368v of the Connecticut General Statutes and which furnishes food and shelter to two or more persons unrelated to the proprietor and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry; such services including, but not limited to, assistance in personal hygiene, nutrition, exercise, recreation, and health maintenance. "Rest Home" includes "Home for the Aged" and "Nursing Home" but does not include "Convalescent Home" or "Skilled Nursing Facility".

139. Right of Way. A servitude imposed by law or by convention and by which one has a right to pass through the real property of another. For the right-of-way of a public highway, see “Street”.

140. Seminary: An education institution, which prepares students to be priests, ministers, or rabbis. The seminary may include housing for full-time seminary students.

141. School, Private Occupational: As defined in Conn. Gen. Stats. §10a-22a, as amended. At this writing, the definition is: “a person, board, association, partnership, corporation, limited liability company or other entity offering instruction in any form or manner in any trade, industrial, commercial, service, professional or other occupation for any remuneration, consideration, reward or promise of whatever nature, except "private occupational school" shall not include (A) instruction offered under public supervision and control; (B) instruction conducted by a firm or organization solely for the training of its own employees or members; or (C) instruction offered by a school authorized by the General Assembly to confer degrees.”

142. Shed. An Accessory Building, Accessory to a Dwelling, which is Used primarily for storage purposes, such as yard and garden equipment, pool equipment, and children’s’ toys, but excluding motor vehicles. Compare to “Garage, Private.”

143. Shopping Center. A parcel or combined parcels of land containing not less than four acres of Commercial Business B-C land where the land, buildings, and required parking are under single ownership or management. Said shopping center shall have not less

than 35,000 square feet of rental retail and/or commercial floor area as defined in this Article I, Section 3, and shall contain not less than six retail business and/or retail service uses.

144. Sign. Any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations; any building feature, including roof or other special illumination, special colors or effects, or building or roof lines which serve to identify the use or occupancy of any building or site through a recognized motif or symbol. The term "sign" shall include sculptures and similar works of art designed or intended to attract the attention of the general public to commercial or industrial premises. See, Art. XIII, Signs.

145. Sign, Advertising. A sign, including that type of sign commonly known as a "billboard", which directs the attention of the viewer to a business, commodity, service, entertainment, or other Use which is conducted, sold, offered, or occurring, either presently or in the future, at a location different from the Lot upon which such sign is displayed, or only incidentally occurring upon such lot. See Art. XIII, Signs, and Art. VIII, Uses Prohibited in All Zones.

146. Sign Area or Face. The plane defined by one continuous perimeter of that rectangle, triangle, or circle having the smallest area which encompasses all the lettering, wording, design, or symbols together with any background different from the balance of the surface on which it is located, if such background is designed as an integral part of and related to the sign. Such perimeter, however, shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. For the purposes of these Regulations, two sided signs where the sides are back to back, Sign Area of each side of such sign shall be included in the Sign Area of the Sign. See Art. XIII, Signs.

147. Sign, Blade. A pedestrian-oriented sign attached to a wall with both of the exposed faces of the sign in a plane perpendicular to the plane of the building wall which may be internally illuminated. For the purpose of calculating the square footage of such signs, only one sign face shall be included

148. Sign, Business. A Sign which directs attention to a business, commodity, service, entertainment, or other Use which is currently conducted, sold, or offered upon the same Lot where such sign is displayed. A "For Sale" or "To Let/For Rent" sign related to the Lot upon which it is displayed shall be deemed to be a business sign. See Art. XIII, Signs.

149. Sign, Directional. A Sign on a Premises indicating location of the use or purpose of a Building, Lot, or portion thereof located elsewhere in such Building or on such Lot but containing no other information. See Art. XIII, Signs.

150. Sign, Directly Illuminated. Any Sign designed to give forth any artificial light directly or indirectly through any transparent, reflective, translucent or similar material, from a source of light contained within, upon, or otherwise structurally integrated into such Sign but not including a “channel” letter Sign in which the light source is concealed within the rear side of a hollow, opaque letter mounted on a wall, with the letter silhouetted against the halo of the reflected light. See Art. XIII, Signs.

151. Sign, Ground. Any Sign supported by upright structural components, placed or located upon the ground and not attached to any part of any Building. See Art. XIII, Signs.

152. Sign, Identification. A Sign on a Premises bearing the name or similar identification of the Use or occupant of a Building, Lot or portion thereof, or a Sign indicating danger or whether a facility is open for business but containing no other information. See Art. XIII, Signs.

153. Sign, Indirectly Illuminated. A Sign illuminated by a light source which is remote from the sign structure and so shielded that no direct rays there from are visible elsewhere than on the Sign Face, or the area immediately around it, but in no event visible off the Lot where said Sign is located; and, including channel letter signs (See “Signs, Directly Illuminated”). If such shielding is defective or fails to conform to the criteria of this definition, such Sign shall be deemed to be a Directly Illuminated Sign. See Art. XIII, Signs.

154. Sign, Flashing. Any Sign in which or upon which artificial light is not maintained stationary and constant in intensity and color at all times, and, specifically, including signs that scroll, alternate, or otherwise move or change a message using lighting, screens, projections, or moving parts of any kind [; excluding time or temperature signs approved in accordance with Section 19 of these Regulations?]. See Art. XIII, Signs.

155. Sign, Moving. Any Sign, or any portion of any Sign, which is not fixed or stationary, or which is capable of any movement whatsoever; excluding barber poles and clocks. See Art. XIII, Signs, and Art. VIII, Uses Prohibited in All Zones.

156. Sign, Outdoor Advertising and/or Off Premises. See "Sign, Advertising".

157. Sign, Overhanging. Any Sign extending at an angle from a Building which is its sole or principal support. See Art. XIII, Signs.

158. Sign, Pole. See "Sign, Ground".

159. Sign, Roof. Any Sign erected, constructed, or maintained upon the roof of a Building. See Art. XIII, Signs.

160. Sign, Sky. Any Sign suspended in the air by means of a balloon or other lighter-than-air device. See Art. XIII, Signs.

161. Sign, Temporary. Any sign which is intended to advertise community or civil projects or other special events of a temporary nature, real estate for sale or lease, or opening of a new business, and erected on a temporary basis. See Art. XIII Signs

162. Sign, Trespass. Any Sign on a Premises restricting the right to enter such Premises and indicating the private nature of such Premises. See Art. XIII, Signs.

163. Sign, Wall. Any Sign painted, posted, or otherwise affixed to any portion of a vertical surface or plane that forms the wall of a Building. See Art. XIII, Signs.

164. Standing (as to Parking Areas). The practice of briefly stopping a vehicle, or waiting, generally for the pick-up/delivery or purchase of a product or service, in an area not designated or permitted for Parking. See Art. IV, Garages, Parking Spaces, and Loading Areas.

165. Story. That portion of a Building entirely above the ground level and included between the upper surface of any floor and the upper surface of the floor next above it; or, if there is no above it, then the space between such floor and the ceiling or roof next above it.

166. Story, Half. That Story having its floor joists at the level of the roof eave, and for which the Floor Area has a ceiling height of six (6') feet or greater over an area greater than 50% of the Floor Area of the Story directly below it. See “Floor Area, Gross.”

167. Street. An improved right of way or fee simple parcel of land dedicated and accepted by the Town or the State of Connecticut for the purpose of public travel by lawful procedure and suitable for vehicular travel, or a proposed street shown on a subdivision plan approved by the Commission in accordance with the applicable provisions of the Trumbull Subdivision Regulations.

168. Street, Center Line. A line equidistant from each Street Line, or if no Street line is established, the center line of the existing pavement, or, if the Street is unpaved, the center line of the existing traveled way.

169. Street Line. The line separating a Street from the abutting Parcel.

170. Structure. Anything which is constructed or erected and the use of which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including signs, vending machines, fences or walls, a wharf or dock, an above ground tank or a detached solar panel or satellite dish. A structure shall not include a flagpole or an ornamental well. See Special Definition in Article XI, Flood Damage Prevention.

171. Structure, Height. The greatest vertical distance between the grade elevation existing on the effective date of these Regulations and at any point of consideration and the highest point of the structure.

172. Subdivision. The definition of the term "Subdivision" as used in these Regulations shall be the same as that term is defined in the Trumbull Subdivision Regulations.

173. Tag Sale. The temporary use of land or the buildings thereon for the purpose of the public sale of personal household goods by the owner or resident thereof in conjunction with the cleaning out or vacating of residential premises. In no way does the term "tag sale" encompass the sale of any goods brought to the premises for the purpose of public sale, except where more than one (1) family may cooperatively enter into such a sale at one (1) location. The term "tag sale" shall include garage sale, yard sale, barn sale, attic sale and any similar term or activity.

174. Terrace. A surfaced area adjacent to a Building which serves as an outdoor extension of the Use of that Building, which is open both vertically and horizontally, and which does not exceed a height of 12 inches above the adjacent grade of the land. Compare to “Deck”.

175. Town. The Town of Trumbull, a municipal corporation having its territorial limits within the Town of Trumbull, County of Fairfield, and State of Connecticut.

176. Tract. See "Parcel".

177. Trailer. A trailer coach or mobile home, either on or off wheels but not permanently affixed to a foundation, or otherwise capable of relocation or transport. A mobile building shall be included within this definition regardless of whether it contains cooking, bathing, and/or toilet facilities, as long as it is capable of being connected to a water supply and to a sewerage disposal system and is designed for human occupancy on a temporary or permanent basis. Also includes a utility trailer over twenty (20') feet long, regardless of potential for human occupancy.

178. Truck. A motor vehicle have a gross tonnage in excess of one and one-half (1 ½) tons.

179. Use. Any purpose for which a building, structure, or premises may be designed, arranged, intended, maintained, or occupied, or, any activity, occupation, business, or operation actually carried on in a building or other structure or on a lot or parcel.

180. Use, Nonconforming. See "Nonconforming Use".

181. Veterinary Hospital. Any Building, Structure, or portion thereof where animals or pets are given medical or surgical treatment and/or wellness care and can be boarded or cared for overnight only as a result of such treatment and/or care. The hospital area shall be located within a completely enclosed building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise and odor with no outside accessory structures for animals or pets.

182. Veterinary Outpatient Clinic. A use where small animals or pets are given medical or surgical treatment. Such clinic shall be located within a completely enclosed building, soundproofed and mechanically ventilated so as to prevent the emission of objectionable noise and with no outside facilities or accessory structures for animals. Such clinic shall provide no boarding of animals except as required for medical treatment. Such boarding shall be accessory to the principal Veterinary Outpatient Clinic use, shall occupy no more than twenty (20%) percent of the total use floor area, and shall provide space for no more than ten (10) animals, and shall house no more than four (4) animals per overnight period. Such clinic shall have a maximum of two (2) licensed veterinarians seeing appointments on the premises at one time. No structure or use of land shall be considered a 'Veterinary Outpatient Clinic" if it has obtained a commercial kennel license from the Connecticut Commissioner of Agriculture in accordance with Chapter 435 of the Connecticut General Statutes..

183. Watercourse. Those areas designated and defined as watercourses by the Trumbull Inland Wetlands and Watercourses Agency, pursuant to its Regulations, as the same may be amended from time to time.

184. Wetland. See "Inland Wetland".

185. Workshop. An area or room(s) in a dwelling unit or in a garage or other accessory structure on a residential lot used for manual work utilizing light industrial tools.

186. Yard, Required. An Open Space on the same lot with a Building having those minimum dimensions prescribed by these Regulations.

187. Yard, Minimum Required Front. A Yard between any Principal Building and the Lot Frontage Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Lot Frontage Line; or, in the case of a Corner Lot, a similar Yard extending along all streets. See Art. III, Bulk.

188. Yard, Minimum Required Rear. A Yard between any Principal Building and Rear Lot Line, extending the full width of the Lot between the Lot Side Lines, measured by the minimum horizontal distance between any such Building and the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which the principal building has its street address, or is otherwise the designated front of the Lot. In the case of a triangular lot having Frontage on only one Street, the Rear Yard shall be measured from the rear-most portion of the Principal Building to that line located half way between that Principal Building and the point of intersection of the Side Lot Lines. See Art. III, Bulk.

189. Yard, Minimum Required Side. A Yard between the Side Lot Line and any Principal Building, extending on both sides of the Lot from the Front Lot Line to the Rear Lot Line; or, in the case of a Corner Lot, a similar Yard extending across the side of the Lot opposite the Street on which such building does not have its street address, or is otherwise not the designated front of the lot. {Any Yard not a Rear Yard or a Front Yard shall be deemed to be a Side Yard.}. See Art. III, Bulk.

190. Zone. An area within which certain uses of land and buildings are permitted, certain others are prohibited and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission or the Board; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for all property located within the zone to which they apply.

191. Zoning Enforcement Officer. That person or persons designated by resolution of the Commission to administer and enforce these Regulations. See Article V of these Regulations.

ARTICLE I

SECTION 4: NONCONFORMING LOTS, USES, BUILDINGS, AND/OR STRUCTURES

4.0 Intent.

It is the intent of these Regulations to reduce all nonconforming uses, lots, buildings, and structures to conformity as quickly as possible and in no way to allow the extension or enlargement of the nonconformity unless specifically authorized in these Regulations. It is also the intent of these Regulations; however, to minimize undue hardship for those whose purchase, ownership, or use of the property predated applicable provisions of these Regulations.

4.1 Existing Nonconforming Lots.

4.1.1 No Increase in Nonconformity. No lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift, or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these Regulations or shall increase the extent of any nonconformity.

4.1.2 Use of Nonconforming Lots, Merger. The construction of a permitted building or structure, or the establishment of a permitted use, on a nonconforming lot or parcel may be allowed by the Zoning Board of Appeals as a Special Permit in accordance with Article XV of these Regulations and subject further to the requirements set forth in this Section 4.1.2; provided, however, that if title to a nonconforming parcel or lot, whether improved or not, was, at any time after the adoption of Zoning Regulations in the Town of Trumbull (effective March, 1927), or is now, vested in any person(s) that own(s) any parcel or parcels of land contiguous to it, then so much of said contiguous land (including the nonconforming parcel) as is required to conform to these Regulations shall be deemed to be a single parcel for zoning purposes, and thereafter may not be divided, sold, transferred, or improved in any manner which would create or result in a nonconformity or in an increased or further nonconformity. In the event that all contiguous lands of said person(s) are together insufficient to meet the minimum requirements of these Regulations, than all said contiguous land shall be considered as a single nonconforming parcel for the purposes of this Section. The foregoing merger provisions shall not apply to any lot approved pursuant to the Trumbull Subdivision Regulations and Zoning Regulations as in force at the time of such approval, pursuant to Connecticut General Statutes Section 8-26a(b).

The construction of a permitted building or structure, or the establishment of a permitted use, on a nonconforming lot or parcel shall conform to all provisions of Article III (Lot and House Sizes) of these Regulations, and also to all other applicable provisions of these Regulations, except as the same may be varied by

the Zoning Board of Appeals pursuant to these Regulations and the Connecticut General Statutes.

4.2 Nonconforming Uses.

4.2.1 No Extension or Enlargement. Any nonconforming use, as defined by these Regulations, shall be permitted to continue, notwithstanding any other provision of these Regulations or any amendment hereof, provided, however:

a. Such use lawfully existed at the time of its establishment, and has not been abandoned, as defined herein.

b. Except as provided in the preceding paragraph, such use shall not be altered in such manner as to increase the nonconformity of such use (see Section 4.2.3 below concerning substitution).

c. Except as provided in paragraph (b), no nonconforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.

d. A nonconforming use, if changed to a use in conformance with these Regulations, shall not thereafter be changed back to a nonconforming use.

4.2.2 Restoration and Repair of Buildings Containing Non-Conforming Use. A building or structure containing a nonconforming use may be altered or improved, but not extended or enlarged, and may be repaired or reconstructed as made necessary by normal wear and tear or deterioration. Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, flood, or any act of God or public enemy may be restored to the same dimensions, floor area and cubic volume lawfully existing immediately prior to such damage or destruction, provided such restoration is commenced within one (1) year, and completed within two (2) years of such damage or destruction.

4.2.3 Substitution. Any nonconforming use may be replaced with another nonconforming use, as a Special Permit before the Commission in accordance with Article XV (Special Permit) of these Regulations, provided that such replacement use is consistent with the public health, safety and welfare; with the character of the neighborhood, adjacent properties and zones; with the appropriate and orderly development of the neighborhood, adjacent properties, and zones; and provided, further, that such replacement use creates no greater impact on the property, the neighborhood, adjacent properties and zones, in terms of parking, volumes and types of traffic,

property values, hours of operation, exterior appearance of the building, structure or lot, or any other factors to be considered by the Board pursuant to Article XV of these Regulations.

4.2.4 Abandonment by Nonuse. Any non-conforming use shall lose its nonconforming status and shall thereafter conform to these Regulations if the owner voluntarily discontinues such use and such discontinuance is accompanied by an intent to not reestablish such use For any nonconforming use which has ceased operation, the Zoning Enforcement Officer may require evidence that there was no intent to abandon the use, prior to the issuance of a Certificate of Zoning Compliance or issuance of a Cease and Desist Order. Refusal or granting of such a Certificate, or issuance of a Cease and Desist Order, may be appealed by any aggrieved party to the Zoning Board of Appeals, as provided by State statutes.

4.2.5 Voluntary Abandonment. Any person who has the right of re-establishment or reconstruction as provided in this Section 3 may elect voluntarily to abandon such right, in which case the right shall cease to exist. Such abandonment must be evidenced by a document filed in the Land Records of the Town of Trumbull.

4.3 Nonconforming Buildings and Structures.

4.3.1 No Enlargement or Alteration. Any nonconforming building or structure existing as of the effective date of these Regulations shall be permitted to continue notwithstanding any provision of these Regulations or any amendment hereof, provided, however, that such nonconforming building or structure shall not be enlarged or altered in such manner as to increase the nonconformity of such building or structure.

4.3.2 Restoration and Repair of Nonconforming Buildings and Structures. Nothing in these Regulations shall be deemed to prohibit the repair and maintenance of a nonconforming building or structure, provided such repairs or maintenance do not increase the non-conformity of such building or structure. Likewise, any nonconforming building or structure may be enlarged, provided such enlargement is constructed within the applicable requirements of Article III. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or act of public enemy by more than 50% of the fair market value of the building or structure at the time of such damage, as determined by The Board of Assessors, may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction, provided.

a. that the land on which said building or structure is to be restored or re-erected shall be properly graded and landscaped and that any such building or structure shall be restored or re-erected so as to conform architecturally to surrounding structures, such grading, landscaping and architectural design to be consistent with the character of the neighborhood in which said building or structure is

to be located and to be done in such a manner that said building or structure will not depreciate property values in said neighborhood.

b. that adequate provision for off-street parking is made for vehicles belonging to employees, customers and others using said buildings or structures.

c. that provision is made for entering and leaving the property on which such building or structure is located in such a manner that no traffic hazards will be created.

d. that the party applying for said approval and proposing to restore or re-erect said buildings or structures is financially responsible and has made arrangements for financing the cost of the construction, landscaping and other improvement of the property involved and has agreed to enter into construction contracts which require the improvement of said property and the restoration or re-erection of said buildings or structures in accordance with the terms and conditions of any approval which said Board shall grant hereunder.

e. that the use which it is proposed to conduct in said buildings or structures as restored or re-erected hereunder is not in any way noxious or offensive by reason of noise, odors, dust, smoke or fumes.

In granting approval under the provisions of this paragraph, the Zoning Board of Appeals may order and impose such further conditions, requirements and limitations as it shall deem necessary to insure that said buildings or structures are restored or re-erected in such a manner as to minimize any adverse effect of said nonconforming use of buildings or structures on the neighborhood within which the same is located, bearing in mind the purposes as set forth in the General Statutes of the State of Connecticut, and, at the same time, avoiding undue hardship on the person carrying on such nonconforming use or restoring or re-erecting such buildings or structures.

4.3.3 Exception for Single Family Residence Zones AAA, AA and A.. For a Lot containing a one family Dwelling and located in Residence Zones AAA, AA or A, a building or structure may be enlarged or altered in such a manner as to increase the nonconformity by approval of the Zoning Enforcement Officer and without the need for a variance, provided that:

a. the enlargement or alteration is in keeping with the existing nonconforming front, rear or side yard setback, and does not increase further into the existing front, rear or side yard setback;

b. the enlargement or alteration does not create an additional nonconformity that did not exist prior to the enlargement or alteration; and

c. the enlargement or alteration does not increase the height of a building or structure beyond the height of the existing building or structure even if the height is in compliance with the current zoning requirements, however an increase in height is permitted if the building or structure complies with the side yard setbacks.

If the enlargement or alteration does not meet the requirements set forth above, then the enlargement or alteration is prohibited without a variance from the Zoning Board of Appeals.

4.4 Illegal Use.

Nothing in these Regulations, including the provisions of this Section 3, shall be interpreted as authorization for or approval of the continuation of the use of land, buildings or structures which are in violation of any Zoning Regulations in effect prior to the effective date of these Regulations.

4.5 Special Permits and Variances, Amendments to Regulations or Zones.

a. Applications Filed. In accordance with Connecticut General Statutes Section 8 2h, as amended, no application filed with the Commission which is in conformance with these Regulations as of the date of its filing shall be required to comply with, nor shall it be disapproved for the reason that it does not comply with any change in these Regulations or the boundaries of any zone taking effect after the filing of such application.

b. Approvals Granted. In accordance with Connecticut General Statutes Section 8 3(h), nothing in these Regulations or any amendment hereof, nor any change in zoning classification, shall be deemed to require any change in the plans, construction, or designated use of any residential building, structure or property for which a Special Permit, Special Exception, or variance has been obtained and filed as required by these Regulations or the Connecticut General Statutes, as the case may be, prior to the effective date of these Regulations or such amendment or change in zoning classification, provided, however, that, for non-residential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within twelve (12) months of the effective date of such approval; said construction or establishment shall be completed according to the approved plans by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within twelve (12) months of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void. For residential property, all improvements required pursuant to the Special Permit, Special Permit, or variance, shall be completed within the time periods set forth in the General Statutes upon the effective date of such Special Permit, Special Permit or variance, or it shall be void and shall thereafter be required to conform to any amendment of these Regulations or zone change classification. For good cause shown, the above time periods may be extended by the Zoning Board of Appeals or the Commission, as the case may be.

4.6 Expiration of Special Permits, Special Permits, and Variances.

See, Article V, (Administration and Enforcement).

ARTICLE I

SECTION 5: APPLICABLE TO ALL ZONES

5.1 Corner Visibility

Within the area of a triangle formed by a distance of 50 feet along street lines from the street intersection of any corner lot, no fence, hedge, shrub or similar growth or structure shall be erected in excess of three feet in height above the elevation of center line of road; and, no hedge, shrub, tree or other growth shall be maintained so as to cause damage to traffic by obstructing the view or otherwise.

5.2 Fences and Walls

5.2.1 Fences and Walls Along the Front or Side of a Lot. Fences or walls shall not exceed four (4) feet in height within the minimum yard requirements as set forth in these Regulations when such fences or walls are located closer to the Street than that point of the Principal Building which is closest from the Front Lot Line. These regulations are illustrated on a diagram that follows this section.

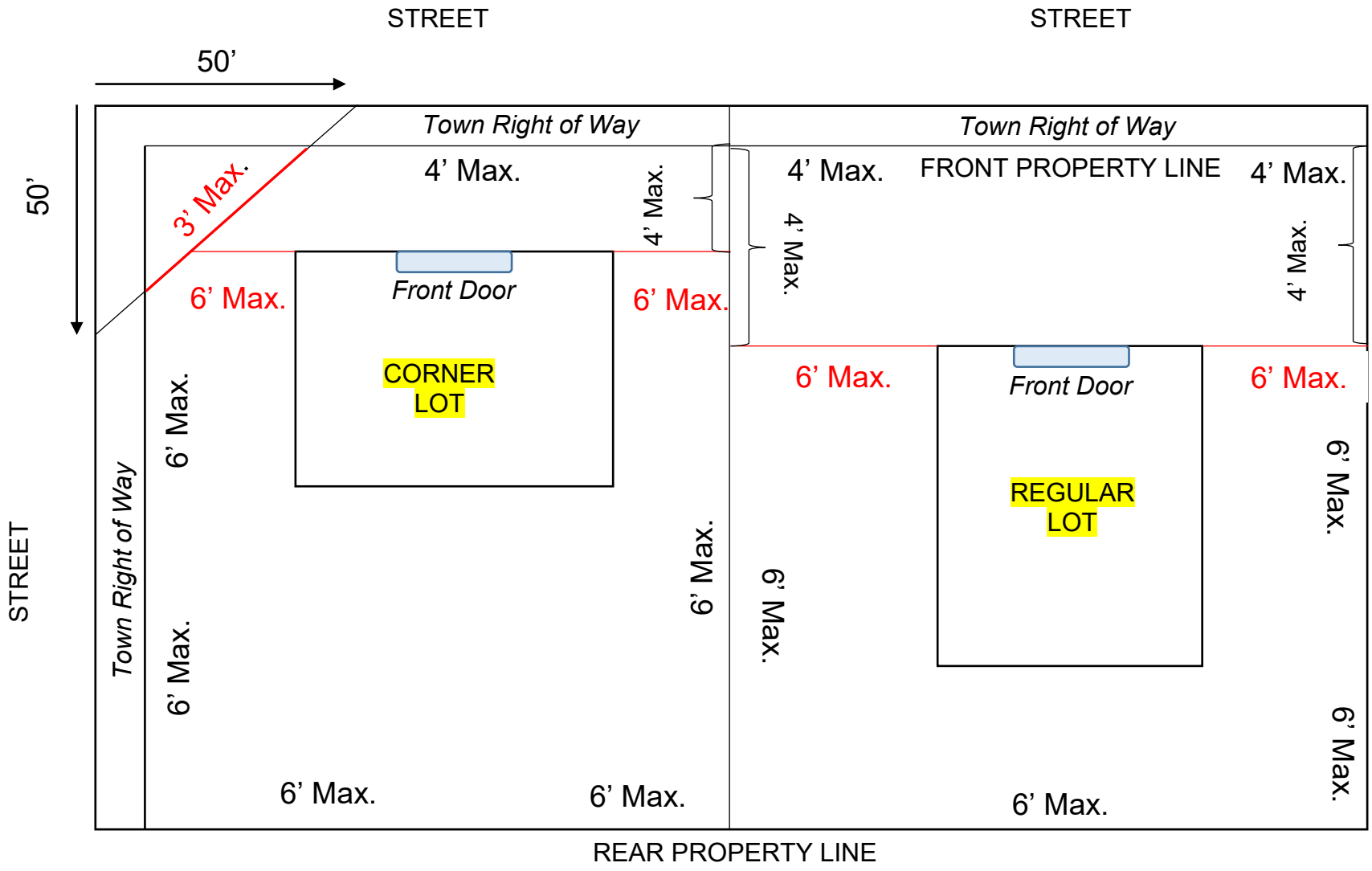
5.2.2 Fences and Walls to the Rear or Side of a Lot. Except as provided for in 5.2.1, all other fences or walls shall not exceed six (6) feet in height within the minimum yard requirements as set forth in these Regulations. These regulations are illustrated on a diagram that follows this section.

5.2.3 Fences or Walls Located on Top of Retaining Walls or Fill. The maximum height of fences or walls set forth in the preceding subsections shall be measured from the pre-existing grade, and may not be increased by fill or fill enclosed by retaining walls that have the cumulative effect of increasing the total height of the fence or wall to greater than the heights permitted by these Regulations within the minimum yard requirements. Stone walls and retaining walls not exceeding three (3) feet in height shall be excluded from the provisions of this Section.

The total height of any fence and wall shall not exceed 6’ in height in any case. However, any uses which are subject to a special permit the Commission may increase this height in the interest of buffering one use from another as part of that special permit.

5.2.4 Barbed Wire and Electrical Fences. Barbed wire and electrical fences are prohibited with exception of fences erected in conjunction with a bona fide farm used for agricultural or dairy purposes.

MAXIMUM FENCE AND WALL HEIGHT DIAGRAM



ARTICLE I

5.3 Stormwater Management

5.3.1 Purpose

In an effort to comply with the Connecticut Department of Environmental Protection Guidelines for Soil Erosion and Sediment Control and Stormwater Quality Manual, the Town of Trumbull is requiring specific design standards to protect the waters of the Town and adjoining downstream municipalities from the adverse impacts of post construction stormwater runoff.

These Regulations attempt to incorporate reasonable goals for attenuating the impact of runoff, abate existing flooding problems and to address water quality issues at the same time. By implementing a standard, the Commission intends to create an environment in which a consistent methodology is used by all individuals submitting development proposals, and to clarify exactly what is expected.

5.3.2 Stormwater Management Plans for Single Family Residential Uses Requiring a Certificate of Zoning Compliance Only

For any application for a One-Family Dwelling or permitted Accessory Use for which a Certificate of Zoning Compliance is the only requirement of these Regulations, the Town Engineer may require that the applicant submit a Stormwater Management Plan at the time of such application for Certificate of Zoning Compliance. No Certificate of Zoning Compliance shall be issued by the Zoning Enforcement Officer unless the Town Engineer has approved the said Stormwater Management Plan if one is required. The Town Engineer shall, in general, apply the following criteria to applications under this Section.

If the proposed construction project increases the total impervious area on the lot, a stormwater management plan will be required, unless a waiver is granted by the Town Engineer. The guidelines for Stormwater Management Plans shall be as published by the Town Engineer. Maximum infiltration into the ground is encouraged in these stormwater management plans by utilizing infiltration practices. The regular inspection, maintenance and cleaning of these proposed structures shall be the responsibility of the owner.

For the case where additional impervious surface is proposed not in conjunction with an existing house, the maximum collection of runoff shall be by proposed

inlets and pipes to a stormwater management system following the guidelines as noted above.

The Town Engineer may modify, update, or adopt revised requirements to account for conditions on or around the subject site, new government regulations, changes in technology, or constructive criticism by the Engineering community at large.

5.3.3 Stormwater Management Plans for Uses Requiring a Special Permit or other Review by the Commission

Any application for a Use not within the scope of the preceding subsection shall submit a Stormwater Management Plan at the time of such application. No Special Permit or other approval shall be granted unless the Town Engineer has recommended approval of the said Stormwater Management Plan.

The following criteria to applications under this Section:

A. Minimum Submission Requirements for Stormwater Management Plan

The minimum necessary submission elements for any Stormwater Management Plan design, either computer generated or manually plotted, are:

1. The Plan shall be prepared by a Connecticut licensed Professional Engineer.
2. The proposed Development shall be planned so that there will be no increase in the post development peak flow rate from the site under conditions up to and including the 100-yr. frequency design storm.
3. Zero incremental runoff shall be accomplished by appropriate water retention or infiltration systems designed to achieve a gradual, controlled and dispersed storm water release, by such means as retention/detention basins, dry wells, diversion reservoirs, or permeable driveways or other systems designed in accordance with good engineering practices and sound environmental and conservation objectives.
4. Natural Resource Conservation Service (formerly SCS) TR-55 and TR-20 methodology shall be used. Rational Methodology will not be accepted. Design storms shall be Type III, 24-hour duration.
5. A brief narrative of the activity, a summary of the changes to impervious area, and a tabulation of design input values.

6. Graphical hydrographs and routing diagrams are required for all watershed subareas and all detention structures must be routed. Evaluations of curve number, (CN), and time of concentration for each watershed subarea are also required.

7. A description, detail, evaluation and summary for each storage device within the system.

8. A graphic display of all appropriate hydrographs.

9. A tabular summary of routing results.

10. The storm runoff calculations shall model existing conditions as development as of 1964 per Town aerial maps.

11. Percolation tests and test pits must be conducted at the location of subsurface drainage facilities, prior to the design submission, and be shown on the plans and incorporated into the design. These must be witnessed in the field by the Town Engineer.

12. The water quality of the proposed discharge must be addressed.

B. Design Standards and Criteria for Stormwater Management Plans.

Further design standards and considerations include:

1. For embankment retention ponds, the minimum top width of the embankment shall be ten feet (10'). The combined upstream and downstream side slopes of the embankment shall not be less than five horizontal to one vertical (5:1), with neither slope steeper than 2:1. Seepage collars shall be designed for pipelines passing through the embankments, with a minimum of two collars spaced 15' apart. The emergency spillway shall be designed to pass the entire peak discharge of the design storms plus an allowance of one-foot (1') of freeboard below the top of the embankment. The side slopes of the emergency spillway shall be no steeper than five horizontal to one vertical (5:1) to permit passage of maintenance vehicles along the top of the embankment. Where the embankment is formed on original ground, strip organic material and other unsuitable soils before placing fill. Embankment shall be compacted to 95% Proctor Density. Material shall be placed in lifts no greater than twelve inches (12") and shall be composed of nongranular clean fill free of organic material. No stones larger than nine inches (9") shall be permitted, and shall comprise no more than 5% of the embankment volume. The embankment shall be suitably protected against erosion. Town inspection is required during construction and when completed.

2. Maximum infiltration into the ground is encouraged. Design of the stormwater management system shall consider reducing run-off by use of such techniques as minimizing impervious areas and maximizing travel times by using grass or rock-lined channels in lieu of storm drainage pipes.

3. Design of detention basins, sediment ponds and other structures shall be in accordance with the current version of the Connecticut Guidelines for Soil Erosion and Sediment Control and design of infiltration practices shall be in accordance with the current version of the Stormwater Quality Manual.

4. When engineering, aesthetics, and economic factors make combined detention or other drainage facilities more practical for construction, the Town Engineer may permit several developers to construct joint facilities.

5. Run-off management system components shall be designed according to sound engineering principles and installed in a sequence that permits each to function as intended without causing a hazard. Single components shall not be installed until plans for the entire run-off management system are completed and approved. Final discharge points must be approved by the Town Engineer. An appropriate downstream drainage study may be required to demonstrate the feasibility of a drainage project.

6. All on-site facilities shall be properly maintained by the owners so that they do not become nuisances. A plan of operation and maintenance shall be prepared for use by the owner, or others responsible for the system, to ensure that each component functions properly. This plan shall provide requirements for periodic inspections, and itemized maintenance of individual components, including outlets. It shall specify who is responsible for maintenance. Adequate access must be provided for maintenance vehicles.

7. All run-off control structures located on private property, whether dedicated to the Town or not, shall be accessible at all times for Town inspection. Easements and appropriate grading shall provide access for maintenance vehicles to all parts of the detention, which may require maintenance. Access easements shall have a minimum width of twenty feet (20’).

8. Appropriate safety features and devices shall be installed to protect humans and animals from such accidents as falling or drowning. Temporary or permanent fencing and guide rails may be deemed necessary to provide such protection.

9. Permits for stormwater management systems may also be required from the Inland Wetlands and Watercourses Commission where such systems may have an impact on inland wetlands or from any other regulatory agency or commission as applicable.

5.4 Street Numbers.

Assignment. In accordance with established practice in the Town of Trumbull, street numbers shall be assigned by the Department of Public Works. All properties assigned a street number by the Town and having a structure shall display a street number that is visible and legible from the street. It is recommended that mailboxes have a street number on both sides or on the front.

5.5 Keeping of Livestock.

5.5.1 Minimum Parcel Size. A parcel used as a farm shall contain no less than five (5) acres. Where Livestock, including a Pleasure Horse, is raised or kept, the Parcel so used shall contain no less than ten (10) acres.

5.5.2 Setbacks. Any Building, Structure, or enclosure Used in connection with the raising or keeping of Livestock, including a Pleasure Horse, shall be located no less than one hundred (100') feet from any Lot Line.

[Proceeding from Art. I, Section 2.M, Definition of “Farm,” revised effective July 25, 2008.]

ARTICLE II-USE REGULATIONS

SECTION 1: SINGLE FAMILY RESIDENCE ZONES

1.1 Residence AAA (1 acre), Residence AA (1 acre) and Residence A (1/2 Acre)

1.1.1 Permitted Uses

Within the Residence AAA, AA or A Zone no Building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified purposes:

1. One-Family Dwelling;
2. Playgrounds, parks, reservations, and recreation facilities operated by or under the control and direction of the town;
3. Farms, and horticultural and/or wild life reservations;
4. Family Child Care Home;
5. Group Child Care Home

1.1.2 Permitted Accessory Uses

1. Garage. A Private Garage, for use in connection with a Dwelling, limited to one story and a height of 15 feet with a capacity of no more than four bays and covering an area no larger than 1200 square feet or 40% of the size of the Dwelling, whichever is greater. Private Garages in excess of these requirements may be approved as a Special Permit by the Planning & Zoning Commission. A garage shall conform to the same setback requirements as a primary dwelling.
2. Workshop. A workshop for private (not commercial) use limited to a maximum of 300 square feet and height of 15 feet in a freestanding accessory structure. The largest doorway for ingress/egress shall not exceed six feet in width. A workshop

shall conform to the same setback requirements as a primary residence.

3. Shed (Accessory Storage Buildings)

a. The Use of a Shed for storage Accessory to a Dwelling may be authorized by Certificate of Zoning Compliance, provided that the Zoning Enforcement Officer finds that Shed complies with the following terms, conditions and standards:

(1) The Shed shall not contain more than 150 square feet of floor space for lots ½ acre or smaller or 192 square feet of floor space for lots larger than ½ acre, and shall not be of a height greater than 10 feet;

(2) The Shed shall not be closer to the Front Lot Line than the rear line of the Dwelling upon said lot, and if not attached to the rear of said Dwelling, shall not be less than 5 feet from both the Rear and Side Lot Lines of said lot for lots ½ acre in size or smaller or 10 feet from both the Rear and Side Lot Lines of said lot for lots larger than ½ acre.

(3) The color and exterior design shall be such as to be in general harmony with the dwelling on said premises;

b. Temporary Storage Structures. Temporary storage structures, such as fabric-covered frames, modular storage pods, or the like, in addition to those in the preceding paragraph may be authorized by Certificate of Zoning Compliance, provided that they shall be used for no more than three (3) months. The Certificate of Zoning Compliance may be renewed for up to an additional three (3) months.

4. Recreational Structures. A swimming pool; gazebo; greenhouse; swimming pool cabana; tennis court or other similar unroofed recreational surface as an Accessory Use to a Dwelling, located on the same lot with said house, and for the private use of the owners or occupants of such house. Recreational Structures, except swimming pools and tennis courts, shall comply with the minimum setbacks from property lines required for Sheds and be

limited to no more than 300 square feet. (swimming pools and tennis courts, see Art. III, Sec. 7.)

5. Temporary Parking of Recreational Vehicles. The temporary parking of recreational vehicles, such as camper-trailers, mobile homes, or pop-up trailers up to 28 feet in length and not exceeding 8.5 feet in width, or the dry storage of boats up to 28 feet in length.

a. Said recreational vehicles or boats shall be located in a rear yard no closer than 25 feet from the sideline or 25 feet from the rear property line, or in a front yard no closer than 150 feet from the street line. On the street side of a corner lot, the side yard shall be 40 feet to a point 100 feet back from the front property line of said lot. From that point to the rear line of the lot, the minimum depth of the side yard shall be the same as the minimum depth of the front yard required on the lot immediately adjoining the rear property line of said corner lot;

b. All vehicles and boats must have a valid Connecticut registration and be owned by the occupant of the premises;

c. The vehicles or boats shall be shielded from the neighbors' view by four-foot high densely growing evergreens (excluding white pine), and shall not be visible from the street;

d. The use of a recreational vehicle or boat for human occupancy shall not be permitted; and

e. No more than one such recreational vehicle or boat shall be permitted on one residential lot.

6. Home Occupations. Businesses/commercial offices or ventures are not permitted in residential zones as indicated by signage, marking of vehicles, commercial trailers, customers, patients, employees, outdoor and street parking of commercial vehicles, delivery of goods, outside storage of goods, and/or other factors that indicate a business is in progress on the Premises.

Notwithstanding the foregoing, (i) "cottage food operations", as defined in the Connecticut General Statutes, and (ii) businesses customary with the use of a home office, such as computer-based business,

are permitted in residential zones, provided there are no on-site storage of goods and products, no signs, no customers or clients visiting the Premises, and no employees meeting, working, parking or otherwise being dispatched from the Premises.

7. Temporary In-Law and Accessory Apartments

A. Statement of Purpose:

To provide additional affordable housing by giving owner-occupied homeowners the opportunity of maintaining a temporary apartment, and to protect stability, property values, and the single-family residential and visual character of a neighborhood by ensuring that temporary apartments conform fully to the standards and intent of the ordinance.

B. Definitions: For the purposes of this Subsection only, the following terms shall be defined as follows:

(a) Accessory Apartment: a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a bathroom with a tub/shower, sink, and toilet, (D) has a square footage that is not more than thirty per cent of the total square footage of the house, (E) has an internal doorway connecting to the main living unit of the house, (F) is not billed separately from such main living unit for utilities, and (G) complies with the building code and health and safety regulations.

(b) Basement Accessory Apartment: An accessory apartment any part of which is below the elevation of the finished grade of the ground adjacent to any part of the dwelling at the highest point of elevation;

C. Conditions:

(a) An accessory apartment must have at least three hundred (300) square feet of Livable Floor Area. Maximum size shall not exceed thirty (30%) per cent of the Livable Floor Area of the Principal Dwelling;

(b) At least one (1) Dwelling Unit in the converted single-family home shall be owner-occupied;

(c) In all cases, the accessory apartment conversion shall have the exterior appearance of a single-family home, and in no case shall additional front entrances be allowed. An accessory apartment shall not be located in a detached or accessory building;

(d) The design and size of the apartment must conform to all applicable standards in the health, building, and other codes;

(e) At least four (4) off-street parking spaces must be available;

(f) Prior to Planning and Zoning Commission approval, the local health authority must give approval that the dwelling, including the apartment, has sewage disposal capability, septic reserve area, and potable water availability in conformance with its current standards;

(g) Every accessory apartment approved under this section of the Zoning Regulations shall be deemed an "affordable housing unit" and shall be subject to the requirements of Section 8-30g(k) of the Connecticut General Statutes, as may be amended from time to time; e.g.

i. The rental charge for the apartment shall meet the requirements as provided for in said state statute or related regulations so that the "affordable housing unit" is credited the maximum allowable amount by the state toward the Town's affordable housing count;

ii. A binding deed restriction containing covenants and restrictions in conformance with the Connecticut General Statutes Section 8-30g shall be recorded in the Trumbull Land Records; said restrictions shall be for a minimum period of forty (40) years from the date of original occupancy of the apartment;

(h) Each apartment shall have a full kitchen, be connected to the main living area of the house, and utilities shall not be billed separately from the main living unit of the house.

D. Application Procedure

If a proposed accessory apartment is (i) entirely within the existing footprint of the house and (ii) there are no exterior changes to the house, except for those required for ingress and egress such as a door and/or steps, then an application may be made to, and approved by, the Zoning Enforcement Officer. The Zoning Enforcement Officer retains the discretion to refer an application to the Planning and Zoning Commission for the Commission's approval. All other applications for accessory apartments shall be a Special Permit application made to the Planning and Zoning Commission in accordance with Article XV of these Regulations. All applications shall include, but not be limited to, the following:

(a) A notarized letter of application from the owner(s) stating that he/they will occupy one of the dwelling units on the premises, except for bona fide temporary absences;

(b) A floor plan of one-fourth (¼) inch to the foot showing proposed changes to the building;

(c) The application shall include an accurate description of the proposed facility, drawings of any proposed addition, four (4) copies of a certified plot plan for the facility, and certification by the Town Sanitarian. These plans shall show the location of all buildings, uses, parking areas, traffic access and circulation drives, open spaces, landscaping, exterior lighting and special features relating to the property.

E. Renewal Requirements

(a) The effective period of the Permit or Special Permit shall be five (5) years. At the end of every five (5) years, renewal shall be granted upon receipt of certification, by the owner or his agent, to the Planning and Zoning Commission that the property remains the principal residence of the owner, and that all other conditions met at

the time of the original application remain unchanged. The Zoning Enforcement Officer has the authority to approve a renewal. Planning and Zoning Commission may require a new application and a demonstration of compliance with all conditions necessary for a special use permit;

(b) Purchasers of homes that had Permits or Special Permits for temporary apartments who want to continue renting those apartments must reapply for a permit, and must demonstrate that all conditions prerequisite to obtaining the relevant permit, in particular their residence in the home, have been met. The Zoning Enforcement Officer has the authority to review and approve all applications by a purchaser;

(c) Permits or Special Permits for existing apartments shall only be renewed in accordance with this section.

8. Accessory Sale of Holiday Decorations. The Zoning Enforcement Officer may issue a Certificate of Zoning Compliance for the seasonal sale of Christmas trees, wreaths, or garlands; Easter flowers; Halloween pumpkins; or other seasonal holiday items, provided that:

(a) Parking is provided at the rate of one (1) space per 250 square feet of display area;

(b) No flood lights;

(c) All Christmas trees, fencing, and other materials incidental to the sale are removed, and the site restored to its previous condition, no later than fifteen (15) days after the subject holiday.

9. Tag Sales: more than two (2) tag sales per year shall require a Certificate of Zoning Compliance.

10. Chicken Coop: A coop, to accommodate not more than six (6) chickens, shall be permitted in rear yards and shall not exceed a maximum size of eight (8) feet by six (6) feet and a maximum height of six (6) feet. A coop must be set back a minimum of 35 feet from all property lines and shall not be visible from the street. Roosters and free-range fowl shall not be permitted. A metal sealable food container is required. Waste materials

must be disposed of in a manner that will not cause odor, flies or attract vermin that could impact neighboring properties. A building permit shall be required for the coop. Applicants for a chicken coop building permit shall be required to sign a statement indicating that they have read and agree to adhere to the zoning regulations pertaining to the keeping of chickens. Failure to abide by these regulations shall constitute grounds for the Town to require removal of chickens on a non-compliant property.

1.1.3 Special Exception Uses

The following uses may be permitted as special exceptions by the Zoning Board of Appeals in accordance with Articles VI and Article XV of these Regulations:

None.

1.1.4 Special Permit Uses

Permission to use property in a Residence AAA, AA and A Zones shall be obtained by means of Special Permits granted by the Planning and Zoning Commission in accordance with Article XV of these Regulations:

1. Non-Profit Senior Citizen Housing Facilities

Alternate styles of Senior Citizen Housing facilities in conjunction with a hospital or convalescent home, subject to the following conditions and standards set forth herein:

a. The hospital or convalescent home shall be a fully accredited non-profit institution, and possess all necessary Federal, State and Local permits and certificates, proof of which shall be submitted to the Town of Trumbull;

b. Said institution shall have a minimum capacity of 250 beds;

c. The minimum Lot Area shall be twenty (20) acres;

d. The minimum Lot Frontage shall be 300 feet;

e. No building or structure shall be located less than 100 feet from a Street Line, or less than 50 feet from any other property line;

f. No housing facility shall exceed one story nor shall 25 feet in height, and said units be of a design and style that is compatible and complimentary to the residences of the neighborhood;

g. Access roads shall be provided from parking areas and buildings to public streets so that no traffic congestion or hazard is created;

h. No operation connected with the use shall produce radio or television interference noticeable to any degree beyond the parcel limits;

i. Exterior lighting shall be in such a manner as not to cause illumination or glare outside the parcel;

j. Buffer areas shall be provided to assure maximum privacy to patients, the elderly residents, and to occupants of adjoining properties. Landscaping shall be provided for the entire parcel;

k. The uses shall be serviced by municipal sanitary sewers only, and in accordance with the regulations of the Town Sewer Commission;

l. No use shall be located within 1,500 feet of the nearest property line of any other such use;

2. Cemeteries, provided that no land shall be used for the burial or interment of remains above or below ground within 100 feet of any street or property line; that no cemetery be established or enlarged in excess of 20 acres in total area of land permitted for burial or interment of remains above or below ground (provided that additional acreage for access, administration, and other purposes to an extent not exceeding 50% of the acreage allotted for burial purposes may be included within the overall cemetery area); and further provided that no cemetery shall be established within 4,000 feet of any other cemetery; provided, however, that in computing the distance between cemeteries the following inactive historical cemeteries shall not be counted: Daniel's Farm Burial Place, Riverside Cemetery, Unity Burial Place, Old Burial Place at Nichols Farms, Tashua Burying Place, and Burying Place at Gregory's 4 Corners;

3. Churches and other places of worship, including parish houses and Sunday School buildings; non-profit primary and secondary schools; and building housing personnel affiliated with said churches and schools. In addition, building in existence on the effective date of this amendment and used as housing for such affiliated personnel, may be converted to housing for students attending such schools and located on the same property as the

school buildings. No building used for student housing shall be located closer than one hundred (100) feet from any property line, except that seminary buildings may be built on property that is adjacent to a cemetery that is affiliated with the seminary or associated house of worship. The Commission may require a landscaped buffer up to twenty (20) feet from any side yard or rear yard for student housing and/or seminaries if the Commission deems it necessary to minimize impact on abutting properties. No building used for student housing and/or a seminary may be within one hundred (100) feet from any residential property line containing a residence on an abutting property. Permanent and temporary light poles for lighted fields on non-profit secondary school property shall be permitted **for school related purposes only,** provided:

a) The poles, lights and structures supporting such poles do not exceed a combined height of eighty (80) feet.

b) No such light structure shall be within two hundred (200) feet of an abutting residential property line.

c) Applicant shall submit a photometric plan at time of application.

d) Lights must be shut off no later than 11:00 p.m. and applicant shall install an automated control system to ensure compliance.

e) All requirements of Article XV Special Permit/Special Exception shall be satisfied.

4. Libraries, museums, firehouses;

5. Housing projects for the elderly as provided for under Part VI of Chapter 128 of the General Statutes of the State of Connecticut, now in effect, or as the same may be from time to time hereafter amended;

6. Hospitals, sanitariums, and convalescent homes, subject to the following:

In addition to the provisions, conditions and standards set forth in the introductory paragraph under Article XV, Special Permits/Exceptions, the following provisions, conditions and standards are added to said introductory paragraph, and shall be complied with prior to any approval or granting of a special exception for the purposes set forth in this subsection:

a. The minimum lot area shall be three (3) acres;

b. The minimum lot frontage shall be 150 feet;

c. No building or structure shall be located less than 75 feet from a street line, or less than 100 feet from any other property line;

d. All buildings shall meet one of the following criteria:

(1) For buildings that do not exceed a height of two (2) stories and/or twenty-four (24) feet, including all rooftop structures, building coverage shall not exceed 12% of parcel area;

(2) For buildings that do not exceed a height of three (3) stories and/or forty (40) feet, including all rooftop structures, building coverage shall not exceed 8% of parcel area.

e. Off-street parking shall be provided, and shall consist of at least one space for every two beds. Each space shall be equal to 200 square feet. Parking shall not be permitted closer than 35 feet from a property line;

f. Access roads shall be provided from parking areas and buildings to create public streets so that no traffic congestion or hazard is created;

g. No operation connected with the use shall produce radio or television interference noticeable to any degree beyond the parcel limits;

h. Outside storage of trash, rubbish, or other material or equipment including vehicles is prohibited

i. Buffer areas shall be provided to assure maximum privacy to patients and to occupants of adjoining properties; which buffer areas shall have a minimum depth of thirty-five feet along all boundaries of adjoining properties. Landscaping shall be provided for the entire parcel;

j. In order to eliminate external noise, air conditioning equipment shall be wholly contained within the buildings, except for grills and vents. Window air conditioners are prohibited;

k. The uses shall be serviced by municipal sanitary sewers only, and in accordance with town sewer ordinances;

l. Existing buildings may be used for uses permitted in this section only if all provisions, conditions and standards of this section are complied with;

m. The uses shall be accredited by the State of Connecticut and all applicable Federal, State and Local permits shall be obtained, and all regulations shall be complied with, and certificates therefore shall be submitted to the Town of Trumbull;

n. Except for convalescent homes, the uses shall be permitted in districts zoned as Residence Zone A, only;

o. No such use shall be located within 1,500 feet of the nearest property line of any other such use;

p. Bonds will be required to be filed with the Town of Trumbull to assure compliance with these regulations and conditions;

q. The approval of any application for a special exception for a hospital, sanitarium, or convalescent home shall be conditioned upon completion of the proposed improvements in accordance with the approved plans within a period of two years from the date on which approval of the special exception becomes final. One extension for an additional period not to exceed one year may be granted by the Board after a hearing for good cause shown.

1.1.5 Bulk (Building Standards)

See Article III, Bulk.

1.1.6 Provisions for Vehicles

1. Maximum Outdoor Parking for a Dwelling. No more than four (4) motor vehicles shall be parked on any Lot, other than motor vehicles parked within a Private Garage.

2. Parking for Non-Residential Uses.

A. House of Worship, Community Center, Etc. For every place of public assembly, such as houses of worship, communities centers, clubs, and similar uses, one space for every three seats for seating capacity under the Fire Code.

B. Parking for Other Uses. The Commission or the Board, as the case may be, shall require parking for uses not specified in this Section by reference to the parking generation standards published by the Institute of Traffic Engineers.

1.1.7 Signs

Signs in Residence AAA, AA and A Zones shall be in accordance with Article XIII of these Regulations. The allowable size for signs permitted in the Zone shall be:

1. Traffic control and other signs as shall be erected by the Town, State, or Federal governments may be of the size specified by such agencies;

2. All other signs permitted in Residence AAA, AA and A Zones shall be no more than six (6) square feet, and there shall be no more than one (1) such sign per Lot.

3. All identification signs shall include the street number of the location.

1.1.8 Special Regulations
Municipal Housing Development (MHD) in Residence Zone AA

Purpose

The purpose of the MHD is to assist the Town of Trumbull to provide affordable housing by allowing the Trumbull Housing Authority and/or the Town of Trumbull to develop single-family, two family and multi-family and/or congregate housing on land, on one or more adjacent lots, owned by the Trumbull Housing Authority and/or the Town of Trumbull. This section of these regulations will help to promote the public health, safety and general welfare of the community by providing safe and sanitary affordable housing units for those sixty-two (62) years of age and older or individuals over the age of eighteen (18) with disabilities.

Permitted Uses

The following uses are permitted subject to Special Permit approval in accordance with §XV, herein. Affordable Housing for the purpose of this section means “affordable housing” as defined by the rules and regulations of the Trumbull Housing Authority. Affordable Housing will remain in perpetuity.

i. One-family dwelling, two-family dwelling, multi-family dwelling, and/or congregate housing in principal buildings subject to the conditions herein.

ii. Community Center.

iii. Offices for management of the MHD.

iv. Garages.

a. Accessory Building, Structures and Uses

i. Outdoor recreation uses, such as, but not limited to, pools, bocce courts and tennis courts.

ii. Other buildings structures and uses not listed above, which are customarily accessory to a permitted principle use, provided that:

(a) Each such accessory building or structure shall not exceed three hundred (300) sq. ft. of gross floor area.

(b) No such accessory building or structure shall exceed allowable height.

(c) No such accessory building or structure shall be occupied or use as a rooming unit or a dwelling unit.

b. Lot Size, Location and Frontage

An MHD shall consist of fifteen (15) acres of land on one or more adjacent lots inclusive of all land area owned by the Trumbull Housing Authority and/or the Town of Trumbull and public and private rights of way that serve land in the MHD, and shall have a minimum of fifty (50) feet on a public street or right of way.

c. Density

i. Elderly or Disabled Housing Requirement

Residents must be at least sixty-two (62) years of age and/or be at least eighteen (18) years of age with a disability as defined by the Trumbull Housing Authority.

ii. Affordable Housing Requirement

One Hundred percent (100%) of housing units on the lot shall be Affordable Housing as defined by the Trumbull Housing Authority.

iii. Density, Units per Acre.

The number of housing units shall not exceed fifteen (15) dwelling units per acre within the MHD. The number of bedrooms in each dwelling unit shall not exceed three (3).

iv. Unit Types

The units in an MHD may be efficiency, one, two or three bedroom units.

d. Height

Building height shall not exceed the greater of three (3) stories or a height of thirty-five (35) feet.

e. Coverage

The building coverage shall not exceed forty percent (40%) and the total coverage shall not exceed sixty percent (60%) of any lot within the MHD.

f. Building Setbacks

Setbacks for new buildings and other new structures shall be determined by the onsite and adjacent offsite physical site characteristics, including topography, vegetation, and location of surrounding homes, structures, and uses and shall include a minimum twenty (20) foot setback from any residential zone property line or any public street except the setback shall be ten (10) feet from a property line abutting land owned by the Town of Trumbull. Existing nonconforming structures may be redeveloped with new units provided they do not encroach closer to the adjacent residential lot line.

g. Architectural Design

The architectural design, scale and mass of buildings and other structures, including exterior building material, color, roof-line and building elevations shall be residential in character.

i. The architectural design, scale and mass of buildings and other structures requiring a special permit, including the exterior building material, color, roof-line and building elevation shall be residential in character so as to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community.

ii. Pitched roofed buildings shall be required.

iii. Roof-top mechanical equipment shall be prohibited, unless screened from plain view, except for energy conservation systems such as solar panels.

h. Signs

Signs shall be permitted, but no sign shall exceed twenty-for (24) sq., ft., and may only be externally lighted.

i. Parking and Circulation

The number, location, size and orientation of parking spaces, right of ways, service drives, aisle width, roadway alignment and grades, signage and other design characteristics shall be subject to review and approval by the Planning and Zoning Commission. The Commission shall require one parking space for every non-congregate care unit plus visitor parking spaces equaling ten (10) percent of the number of units in the MHD. In the event a building of congregate care is proposed, the Commission reserves the right to reduce the required parking spaces to one/half space per unit for such congregate care units.

j. Landscape, Screening, Sidewalks and Buffer Areas

Screening of multi-family buildings from adjacent residential districts may be required if the Planning and Zoning Commission deems the structures to be offensive to adjoin property owners. Sidewalks will be provided as deemed necessary by the Planning and Zoning Commission. Exterior lighting shall be provided and maintained by the property owner for the safety of vehicular and pedestrian traffic and shall be full cutoff dark sky compliant. All new exterior lighting shall be low-level not to exceed sixteen (16) feet in height, except for required street and driveway lights. The glare from light sources shall be shielded from road and abutting properties. A photometric plan is required as part of a special permit application. Refuse collection area shall be provided and conveniently located for all buildings. The collection area shall be screened and supplied with covered receptacles. Mailboxes shall be provided and conveniently located for all units. The mailboxes shall be covered from the elements. A landscape plan will be required for submittal to the Trumbull Zoning Department. At least one (1) bus shelter pad is required within the MHD.

k. Utilities

Public water and sewer must be available for the property and all units must be connected to the sewer and water lines.

ARTICLE II

SECTION 2: SPECIAL RESIDENTIAL ZONES

2.1 Professional Office Overlay Zone (formerly Design District)

2.1.1 Statement of Purpose

To enhance the vitality and cohesion of designated areas by allowing an expanded list of approved professional office uses or such other uses as provided for herein in preexisting residential structures or new structures that demonstrate unified architectural character with single family homes in the immediate area.

2.1.2 Location

For purposes of this regulation, the Professional Office Overlay Zone shall be located:

1. Along White Plains Road (Rte. 127) from the intersection of Unity Road and White Plains Road, extending northwesterly to the intersection of Reservoir Avenue and White Plains Road,

2. Along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line and along west side of Main Street from the eastern entrance access driveway of the Trumbull Mall southerly to the Bridgeport City line (this area shall be referred to as "**POOZ South**"), and

3. Properties at 17, 29 and 37 Church Hill Road and 7091 Main Street.

All properties having frontage on White Plains Road or lower Main Street or 7091 Main Street or an existing easement for access onto White Plains Road or lower Main Street or within the limited areas described above shall be included in the Professional Office Overlay Zone, except that properties zoned for multi-family (such as condominiums, apartments and townhomes) and/or zoned for affordable housing shall not be included, unless otherwise provided for herein or are a preexisting nonconforming multi-family structures such as two-family homes may be included.

2.1.3 Conditions

1. Parking shall be permitted in the rear yard and the side yard with landscaped buffers; parking is prohibited in a front yard, and side yard parking shall be no closer to the street line than the dwelling; dwelling except in the case of a comer lot, which in such event, parking shall only not be permitted between the street and the entrance to the proposed or existing building facing Main Street or White Plains Road.
2. A minimum of four (4) off-street parking spaces shall be provided for each permitted use, except for funeral homes as specified in Section 2.1.4(a)(3) below. All professional office uses shall have parking at the rate of one (1) space per 200 square feet of Gross Floor Area of the area proposed for office use. No On-Street Parking shall be permitted. The Planning and Zoning Commission shall have the discretion to vary the parking requirements based on findings from the traffic/access/parking study required for properties located in the POOZ South or based on findings from an analysis provided by applicants and accepted by the Commission for properties located on the portions of White Plains Road and Church Hill Road that are included in this overlay zone.
3. Except in the case of funeral homes, any parking spaces above the one space per 200 square feet of Gross Floor Area shall be designed as “contingency parking”, using a permeable pavement product such as “Grasscrete” that will preserve a lawn-like appearance while providing overflow parking. The Planning & Zoning Commission will have discretion to modify or waive this requirement if sufficient evidence of extenuating circumstances is provided.
4. All parking lots shall be designed such that they can be connected to existing or future parking lots on adjacent parcels, and no obstruction shall be placed to prevent the movement of vehicles between such adjoining parking lots. Wherever possible, the Commission shall consolidate driveways to serve multiple properties and to minimize curb cuts.
5. This use shall only be permitted in a home constructed after the effective date (July 13, 1995) of these regulations if the applicant can demonstrate, to the satisfaction of the Commission, within its sole discretion as part of the Special Permit approval process, that the new structure and the property it sits on will have the appearance of a residential property, and will be similar in character, height, size, scale, and have similar setbacks as the existing structures in the vicinity of the subject property.
6. Any structure on a single lot built after July 13, 1995 and proposed for professional office use shall be limited in size to the larger of either:

    a. the size of the previous principal structure on the subject property(in terms of net useable square footage as shown on tax assessor’s records) or

    b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor’s records) than the average

size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.

7. Any structure on a single lot built after July 13, 1995 and proposed for professional office use shall be limited in size to the larger of either:
    a. the size of the previous principal structure on the subject property(in terms of net useable square footage as shown on tax assessor's records) or office use shall be limited in size to the larger of either:
    b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a corner lot.
8. Consolidation of two (2) preexisting lots, both having been previously included in the Planned Office Overlay Zone, is permissible. No more than two lots may be consolidated. In the case of two consolidated lots, in areas other than POOZ South, the new structure proposed for professional office use shall be limited in size to the larger of either:
    a. 2,900 square feet (inn terms of net useable square footage as defined by the tax assessor)
    b. no more than 20% larger (in terms of net useable square footage as shown on tax assessor's records) than the average size of the two residential structures adjacent to (on either side of) the subject property or the two residential structures located closest to the subject property if that property is located on a comer lot.
9. The owner of a property approved for professional office use in this overlay zone may, but is not required to, live in and/or operate a professional office on the subject property. The owner may rent all or a portion of the premises for either residential or office use. The Planning and Zoning Commission shall have the discretion to allow more than one professional office use on the property.
    a. Building coverage shall not exceed 25%.
    b. Signage for funeral homes shall be limited to one per lot, no larger than twelve (12) square feet, ground lighting only, and set back a minimum of 10 feet from the property line; all other signage and shall not exceed six (6) square feet.
    c. Approval of an application for professional office use in POOZ South shall require a traffic/access/parking analysis. Applicants shall be required to pay the cost of a study to be prepared by an expert selected by the Planning and Zoning Commission for the purpose of assessing traffic impact, ingress, and egress, parking and vehicular safety for the proposed use. The cost for this analysis shall not exceed an amount estimated by the Town Planner and Town Engineer to cover the cost of an independent traffic/access/parking analysis. The Commission, may,

at its discretion, permit an alternative method or arrangement for funding a traffic/access/parking analysis.

d. Approval of applications for professional office use in POOZ South shall be contingent upon the Planning and Zoning Commission accepting the results of the traffic/parking study described above and approving plans for the subject property showing proposed landscaping, signage, lighting, parking, driveway access and handicapped access.

e. Structures in the POOZ South are to be considered for professional office use should be visible from the street. The front of the structure should be no more than 75 feet back from the street.

10. The Planning and Zoning Commission shall have the discretion to deny a request for a professional office use in any of the areas where this zone applies if they determine based on all the information provided by an applicant, applicant's consultants, Town staff or consultants to the Town that a particular proposed application could have detrimental impacts on health or safety or general welfare of the surrounding residentially zoned area.

2.1.4 Permitted Uses

Professional persons in the following list shall be licensed by the State of Connecticut.

a. Funeral Homes

(1) The minimum lot area shall be 4.5 acres.

(2) The minimum road frontage shall be 400 feet.

(3) A minimum of thirty (30) off-street parking spaces shall be provided.

(4) Funeral homes not existing as of August 19, 2009 shall not be permitted on lower Main Street.

b. Attorneys at Law

c. Accountants

d. Architects

e. Engineers and Surveyors

f. Medical professional persons, which shall include doctors of medicine, dentistry, optometry, chiropody, podiatry, osteopathy, naturopathy, etc., Doctors: of Veterinary Medicine shall be included only as Veterinary Outpatient Clinics, as defined in Article I, Section 3, 182.

g. Registered dietitians

h. Psychologists

i. Family therapists

j. Social workers

k. Nurse clinicians

l. Insurance agents

m. Other professional offices, including those not requiring a license from the State of Connecticut.

n. Real estate offices

2.1.5 Application Procedure

An application for a Special Permit for a permitted use in a Professional Office Overlay Zone shall be made to the Planning and Zoning Commission in accordance with Article XV of these Regulations, and shall include, in addition to the information required by that Article, the following:

a. A floor plan of ¼ inch to the foot showing proposed changes to the building; an accurate description of the proposed use, four sets of all drawings, including any proposed addition, elevations, and certified plot plan for the facility. These plans shall show the location of all buildings, building materials (if used), uses, parking areas, traffic access and circulation drives, open spaces, landscaping, exterior lighting, signage, and special features relating to the property.

b. Applications for professional use in POOZ South shall be accompanied by a request for the Town to conduct a traffic/access/parking analysis as described in Section 2.1.3 of these regulations and a deposit in an amount to be determined by the Planning and Zoning Commission to undertake the analysis. If the analysis is completed for less than the deposit amount, the unspent portion will be returned to the applicant within 30 days from completion of the analysis.

2.1.6 Special Regulations for the Professional Office Overlay Zone South of the Merrit Parkway (POOZ South)

For those certain properties located in the POOZ South, the following special regulations shall apply and shall supersede any conflicting regulation in the POOZ zone.

a. **Consolidation of lots**. Consolidation of preexisting lots in the Planned Office Overlay Zone South is permissible.

b. **Building Coverage in the POOZ South**. Building coverage shall not exceed 50%.

c.. **Additional Use**. The use of a Day Care Center or Facility is permitted by special permit, along east side of Main Street from the Merritt Parkway, extending southerly to the Bridgeport City line.

Notwithstanding anything to the contrary in the POOZ regulations, the provisions of this section shall control.

2.1.7 Special Regulations for the Professional Office Overlay Zone for Properties Located in the POOZ with frontage along the south side of White Plains Road (Rte. 127) starting at the corner of Reservoir Drive and ending at the corner of Alice Place (POOZ Central).

For those certain properties located in the POOZ with frontage along the south side of White Plains Road (Rte. 127) starting at the corner of Reservoir Drive and ending at Alice Place (parcels known as 861, 855, 847, 843 & 831 White Plains Road and 4 Alice Place), the following special regulations shall apply and shall supersede any conflicting regulation in the POOZ zone ("POOZ Central").

a. **Consolidation of lots**. Consolidation of preexisting lots in the Planned Office Overlay Zone Central is permissible.

b. **Building Size in the POOZ Central**. For mixed use structures only the building size may be up to 17,000 square feet in the POOZ Central.

c. **Additional Use**. Mixed use of residential/retail/restaurant on any parcel may be permitted by special permit in the POOZ Central provided that certain conditions are satisfied as follows:
(1) minimum lot frontage of 200 feet,
(2) minimum lot area of one (1) acre,
(3) ten (10) per cent of residential dwelling units to be set aside as affordable units per income guideline set forth in Conn. Gen. Statutes, sec. 8-30(g),
(4) density limited to 10 residential units per acre consisting solely of 1 bedroom or studio units,
(5) Building height not to exceed 2.5 stories or 35 feet whichever is less, not including roof top utilities and architectural accents,
(6). Retail/restaurant use on the first floor only and residential units only on the second floor. Fast food restaurants and drive-throughs are prohibited,
(7). Materials and building designed must be approved by the Planning and Zoning Commission and in keeping with the architectural character of the surrounding area,
(8). Signage must be in conformance with the BC zone regulations including wall and monument signage, and
(9). A 10ft landscaped buffer is required with any abutting residential property that does not utilize the POOZ.

Notwithstanding anything to the contrary in the POOZ regulations, the provisions of this section shall control.

ARTICLE II

2.2 Planned Residential Conservation Zone

2.2.1 Purpose

To use a floating zone to promote imaginative, well-designed residential development projects comprised of single family, detached dwelling units that conserve open space and to protect the natural environment.

2.2.2 Size of Zone

A Planned Residential Conservation Zone (PRCZ) shall be at least ten contiguous acres, and shall not exceed twenty contiguous acres.

2.2.3 Location of Zone

A PRCZ shall only be located in areas that are zoned Residence.

2.2.4 Density, Yield Plan

The number of Lots to be permitted in a PRCZ shall be determined as follows: The applicant shall submit a conventional subdivision plan using the lot area and frontage of the underlying zone, which plan will be reviewed by the Commission without the application of this Section 2.2, including the depiction of any required open space required by the Trumbull Subdivision Regulations. Such conventional plan need not contain all information required for a Final Subdivision Plan by the Trumbull Subdivision Regulations, but shall contain such information as is necessary to permit the Commission to determine that the conventional plan represents a feasible subdivision of the land at in accordance with the underlying zone designation, the Trumbull Inland Wetlands and Watercourses Regulations, proper engineer practices, and other appropriate considerations. If approved by the Commission as representing a feasible conventional subdivision plan, the total number of lots in such conventional subdivision plan shall be the maximum total number of lots in the PRCZ

2.2.5 Permitted Uses

Those uses permitted in Residence Zones as provided for in Section 1, Article II of these regulations.

2.2.6 Bulk (Building Standards)

Minimum lot size for dwelling units in underlying Residence Zones AA or AAA shall not be less than .7 of an acre, and in underlying Residence A Zones shall not be less than .35 of an acre, exclusive of easements, right-of-ways, or common elements. There shall be a minimum road frontage of 250 feet for a PRCZ. Frontage for lots within a PRCZ shall not be less than 75 feet, except as otherwise approved by the Commission. All other provisions of Article III, Bulk, shall apply. Such standards (lot frontage, setbacks, Floor Area Ratio, etc.) shall be indicated on the PRCZ plan.

2.2.7 Coverage

The maximum building coverage shall be fifteen (15%) percent of the land located in the PRCZ.

2.2.8 Utility and Road Requirements

1. There shall be individual, on-site septic systems, which shall be of sufficient size and design to collect and dispose of all sewage, or public sanitary sewer systems, if such system is located on or within five hundred feet of the PRCZ boundary. The system shall be built to conform with all applicable Town ordinances and regulations and State statutes. All PRCZ developments located in underlying Residence A Zones shall be served by public sanitary sewers.

2. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water to run-off and shall be constructed to conform to all applicable Town ordinances and regulations, including Article I, Section 5.3 of these Regulations.

3. All utility facilities shall be placed underground.

4. The dimensions and construction of roads shall conform to the standards and specifications for road construction, subject to review by the Town Engineer and approval by the Commission.

5. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.

6. There shall be a public water supply

7. All common areas and elements are to be maintained by an association of homeowners created in accordance with the Connecticut Common Interest Ownership Act.

2.2.9 Conservation Areas

A minimum of twenty percent (20%) of the total acreage in a PRCZ shall be available for active or passive recreational purposes, and shall be held in common by an association of homeowners, pursuant to the Common Interest Ownership Act, Section 47-200 of the Connecticut General Statutes, et seq. The locations, shape, and topography of such common areas shall be subject to approval by the Commission. Except as otherwise provided by the Commission, common areas shall be contiguous.

2.2.10 Landscaping

Land that is not covered with impervious surfaces, such as buildings, drives, parking area, and walkways, shall be suitably landscaped or retained in its natural state. A bond to insure completion of landscaping requirements shall be submitted in a form satisfactory to the Commission.

2.2.11 Design Review

The applicant shall submit design standards in conformance with Section 2.2.15 of this Article.

2.2.12 Parking

Parking shall be as provided for in Article IV of these Regulations. No more than four (4) motor vehicles shall be parked on any Lot, other than motor vehicles parked within a Private Garage.

2.2.13 Application for Zone Change Approval

An application for a zone change to PRCZ shall include:

1. A completed zone change application, as provided for by the Commission, including where necessary, an approval letter from the

Inland Wetlands and Watercourses Commission determining the extent of the wetland areas.

2. A written statement describing how the proposal complies with the purposes set forth in Article II, Section 2.2.1 of these Regulations.

3. A site plan prepared by a registered landscape architect, a licensed architect, or a registered civil engineer, as applicable, which shall:

a) Define the location of the areas to be used for residential and conservation or recreational purposes;

b) Set forth the proposed density of the dwelling units;

a) Show all roads, utilities;

b) Show present and proposed topography;

e) Show conceptual landscaping plan for the site.

4. Preliminary building plans illustrating:

a) A typical floor plan;

b) Typical elevations;

c) Design Standards (as required in Section 2.2.15 of this Article).

2.2.14 Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to PRCZ if;

A. The development project conforms to the purposes set forth in Section 2.2.1 of this Article;

B. Property adjacent to the PRCZ will not be adversely affected;

C. If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.

2.2.15 Standards for Site Plan Approval and Design Review

The Commission may approve a site plan if it complies with the requirements of Article II, Section 2.2 of these regulations, and conforms to the following design standards:

A. Site Development Standards:

1) Utilities: All utilities serving the single family detached dwelling units shall be placed underground.

2) Driveways: All drives shall be asphalt or pea stone.

3) Walkways or Stoops: All walks and stoops shall be brick, flagstone, or stone. Precast stoops are not acceptable.

4) Finish Grading: The house shall be backfilled to expose a minimum amount of foundation, unless the foundation is faced with brick or stone above the grade. A minimum of 4" (four inches) of compacted construction area, except for those areas reserved for landscape trees, shrubs or ground covers, which shall be seeded or sodded in conformance with the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended.

5) Pools and Tennis Courts: All pools and tennis courts shall be located in the rear of each lot and heavily screened with plantings. "Above-ground" swimming pools are not permitted.

6) Mailboxes, Trash Containment Areas: Mailboxes, trash containment areas, and other indications of modern occupancy, shall be effectively located and/or shielded to de-emphasize their presence.

7) Signage: Permanent numerical identification signs not exceeding 4" (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents, and which do not exceed in the aggregate more than two square feet per household, are permitted. Temporary real estate signs are also permitted. No other signage is permitted.

8) Size: No buildings are to exceed two stories, or thirty-five (35) feet in height. Buildings shall conform to the dimensional requirements described in Article III.

9) Sidings: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, mahogany clapboard, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044" in thickness, and other similar materials. Unacceptable materials include, but are not limited to,

"Dryvit," cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum, or unapproved vinyl.

10) Roofing: Acceptable materials are cedar, slate, 340# architectural type shingles, or other similar materials acceptable to the Commission.

11) Air Conditioning: Compressors for central air conditioning systems, and window air conditioning systems, shall not be visible from any road.

B. Additional Restrictions:

1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed Private Garage or while performing services at a lot. In no case, however, shall such a vehicle be parked on the roads, passageways, or on any other right-of-way or access way in the development.

2) No Livestock, except customary household pets (quartered within the dwelling house at night), shall be kept on any lot.

3) There shall not be kept or allowed to remain on any lot, any open receptacles for waste or refuse of any kind or any accumulation of any offensive material or debris of any nature. All garbage, refuse, and debris shall be kept in a covered, sanitary container sunk in the ground, in a screened area, and/or otherwise out of sight.

4) Each purchaser shall keep his or her grass cut, all plants and shrubs trimmed, and the cultivated areas reasonably weed free, and shall also remove fallen limbs, brush, and the like from the property.

5) No purchaser shall burn garbage, refuse, or debris.

6) All construction and/or site improvements in a PRCZ shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Article II, Section 2.2.

ARTICLE II

2.3 Affordable Housing Zones

2.3.1 Application Requirements

An application to the Commission made pursuant to Connecticut General Statutes §8-30g shall include the following:

A. Application for Text Amendment and/or a zone boundary change, if necessary, as provided for in these Regulations.

B. Written statement describing how the proposal complies with the Trumbull Affordable Housing Plan (2023) and with the purposes and requirements set forth in the Connecticut General Statutes §8-30g,

C. Application for site plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations,

D. Traffic Impact Study shall be prepared and submitted to the Commission with regard to existing and proposed traffic conditions and circumstances,

E. Landscaping plan, lighting plan and soil erosopn and control plan shall be provided, giving due consideration and effect to the standards and requirements applicable under Connecticut General Statutes §8-30g,

F. “Affordability plan” demonstrating compliance with the requirements of Connecticut General Statutes §8-30g, including but not limited to, a proposed acceptable qualified “plan administrator”, drafts of documents that will be used in the administration of the affordability restrictions, and calculations of maximum monthly rental for a unit to satisfy Connecticut General Statutes §8-30g,

G. Final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project to be obtained prior to applying to the Commission,

H. Final approval from the Trumbull Water Pollution Control Authority for the project to be obtained prior to applying to the Commission, and

I. Final approval from the Trumbull Police Commission for traffic review of the project to be obtained prior to applying to the Commission.

2.3.2 Hearing and Decision

A. The Commission shall hold a public hearing on the application, including the site plan application,

B. In considering an application, the Commission shall apply all applicable provisions of the Regulations in a manner consistent with the standards and requirements of Connecticut General Statutes §8-30g,

C. The Commission may approve, may deny, or may approve with conditions, an application in accordance with the standards and requirements provided in Connecticut General Statutes §8-30g.

2.4 Age Restricted Housing Zone

2.4.1 Purpose and Intent

A. It is the purpose and intent of this regulation to utilize a floating zone vehicle to authorize construction of housing which will offer alternative housing for elderly members of the community. All such elderly housing will be provided so that all such housing shall be developed in a fashion that is generally consistent with housing patterns in the town and will maintain the general character of the neighborhood in which it is located.

B. Any Age Restricted Housing Zone (ARHZ) constructed within the town shall be in full compliance with all of the requirements of this regulation, as well as all other applicable town ordinances and regulations except as provided for in these regulations.

C. An Age Restricted Housing Zone (ARHZ) shall be deemed to mean a housing development in which one hundred (100%) percent of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be owned and occupied exclusively as a single-family residence by at least one person who is sixty (60) years of age or older, provided, however, that the surviving spouse of a person who is fifty (50) years of age or older may remain in occupancy of a dwelling.

2.4.2 Location of Zone

An Age Restricted Housing Zone (ARHZ) shall consist of at least five (5) contiguous acres, and have frontage and its access on a State highway. An ARHZ shall be located only in areas zoned for residential use, and shall have at least 150 feet of road frontage on a State highway. Access to and from the site shall be solely from the State highway. Such ARHZ shall be located in the sewered areas of the town, and shall not be located within one-quarter mile, measured in a straight line ("as the crow flies"), of any zone with a density greater than the A Zone; nor shall such ARHZ be located within one (1) mile measured in a straight line ("as the crow flies"), of any other ARHZ.

2.4.3 Permitted Uses

Permitted uses are those provided for in underling Residence Zones in Section 1 of Article II of these Regulations, and multi-family attached and detached unit developments on common ownership land administered by a common interest association.

2.4.4 Density

The maximum number of dwelling units per "buildable" acre shall be no greater than four (4) for the property with an underlying zone designated as Residence Zone A, and shall be no greater than 2 for property with an underlying zone designated as Residence Zone AA, and Residence Zone AAA; provided, however, that when the total number of dwelling units is equal to a fraction, such fractional dwelling unit total shall be rounded down to the nearest whole number if below one-half or 0.5, and rounded up to the nearest whole number if the fraction is greater than, or equal to, one half or 0.5.

1. Buildable land is defined as the gross acreage of the subject parcel, minus the following:

a. Fifty (50%) percent of the land with grades steeper than forty percent.

b. Seventy-five (75%) percent of all wetland areas as determined by a certified soil scientist and approved by the Inland Wetlands and Watercourses Commission.

c.. Ten percent for internal roads.

2.4.5 Bulk (Building Standards)

Minimum Road Frontage	150’
Maximum Building Height	40’
Setbacks - Landscaped Front	60’
Landscaped Side	50’
Landscaped Rear	50’
Maximum Lot Coverage	25 %

Maximum square footage of each unit in an underlying Residence Zone A shall be 1,500 sq. ft., or a maximum of 6,000 sq. ft. per acre.

Maximum square footage of each unit in an underlying Residence Zone AA or AAA shall be 3,000 sq. ft., or a maximum of 6,000 sq. ft. per acre.

Minimum distance between buildings shall be 30 feet, except that for buildings along existing Streets, the minimum distance between such buildings shall be 40 feet.

2.4.6 Utility and Road Requirements

1. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicable town ordinances and regulations, specifically including Article I, Section 5.3 of these Regulations.

2. All utility facilities shall be placed underground.

3. The dimensions and construction of the paved portions of the roads shall conform to all applicable town ordinances and regulations.

4. The dimensions and construction of parking areas shall conform to all applicable town ordinances and regulations.

5. There shall be a public water supply and municipal sewer system.

6. All common areas and elements are to be maintained by an association of homeowners in accordance with the Connecticut Common Interest Ownership Act.

7. All internal roads shall be private roads and not dedicated to the Town.

2.4.7 Landscaping

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Tree Warden. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

2.4.8 Design Review

The applicant shall submit design standards in conformance with Section 2.4.12 of this Article.

2.4.9 Provisions for Vehicles

A minimum of one and one half (1.5) spaces per dwelling unit shall be provided; at least one-half of the number of required spaces shall be garage spaces. In addition, there shall be at least 1 visitor parking spaces per unit located in the common area.

2.4.10 Application for Zone Change Approval

An application for a zone change to ARHZ shall include:

A. A completed zone change application as provided for by the Commission including, where necessary, an approval letter from the Inland Wetlands and Watercourses Commission determining the extent of the wetland areas (as required by Section 2.4.4 of this Article).

B. A written statement describing how the proposal complied with the purposes set forth in this Article II, Section 2.4.1, of these regulations.

C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:

(1) Define the location of the areas to be used for residential and conservation or recreational purposes.

(2) Set forth the proposed density of the dwelling units.

(3) Show all roads and utilities.

(4) Show present and proposed topography.

(5) Show conceptual landscaping plan for the site.

(6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.

D. Preliminary building plans illustrating:

(1) A typical floor plan.

(2) Typical elevations.

(3) Design Standards (as required in Section 2.4.12 of this Section 2.4).

2.4.11 Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to Age Restricted Housing Zone if it complies with the following:

The development project conforms to the purposes set forth in Section 2.4.1 of this Article and to all applicable provisions of these Regulations.

If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.

The zone change request shall be submitted simultaneously with a proposed site plan. In addition, construction must begin within one year from the date of final site plan approval or the zone change and site plan approval shall expire.

2.4.12 Standards for Design

The Commission may approve a site plan in connection with a ARHZ zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

A. Site Development Standards

(1) Driveways: All drives shall be asphalt, pea stone, brick and/or stone.

(2) Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete.

(3) Finish Grading: The house shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4” (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.

(4) Pools and Tennis Courts: All pools and tennis courts shall be heavily screened with plantings, and shall not be located within 75’ of the state highway. “Above ground” swimming pools are not permitted. There shall be a clubhouse where residents can gather for social and recreational purposes.

(5) Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.

(6) Signage: Permanent numerical identification signs not exceeding 4” (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents and which do not exceed, in the aggregate, more than two square feet per household, are permitted. Temporary real estate signs are also permitted. One sign identifying the proposed development shall be permitted at each entrance; said sign shall contain no more than six square feet in area, and shall not exceed six feet in height. No other signage is permitted.

(7) Size: No buildings shall exceed two stories, or forty (40') feet in height.

(8) Sidings: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044” in thickness. Unacceptable materials include, but are not limited to, particle board, composition board, “Dryvit”, cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl siding.

B. Additional Restrictions

(1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed Private Garage or while performing services at a dwelling. In no case, however, shall any vehicles be parked on the roads, passageways, or on any other right-of-way or access way in the development.

(2) No Livestock, except usual household pets (quartered within the dwelling at night), shall be permitted.

(3) There shall be no burning of garbage, refuse, or debris.

(4) All construction and/or site improvements in and ARHZ shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Article.

(5) All units shall be restricted to be used exclusively for a residential use as a single-family dwelling by at least one person who is sixty (60) years of age or older; provided, however, that the surviving spouse of a person who is sixty (50) years of age or older may remain in occupancy of a dwelling. A single-family residence is defined as a single-family housekeeping unit, operating on a non-profit, non-commercial basis between its occupants, cooking and

eating, with a common kitchen and dining area. This restriction must appear in the deed of conveyance and run with the land.

2.4.13 Continuing Nature of Standards

The regulations, prohibitions and standards of performance herein set forth are expressly declared to be of continuing application. Any permission to use land for residential purposes granted after the enactment of this revision shall be granted subject to compliance with the regulations, prohibitions, and standards herein set forth, and upon failure to comply with the same within fifteen (15) days after written notice of non-compliance from the Commission, the Commission may revoke any permission previously granted upon a hearing with notice to the owner(s).

No building permits shall be issued until a Mylar of the final approved plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

ARTICLE II

2.5 Assisted Living Facility Zone (Residential)

2.5.1 Purpose and Intent

A. The purpose and intent of this regulation is to authorize a zone entitled "Assisted Living Facility" herein referred to as ALF (Residential). Such zone shall be a floating zone and shall allow for the construction of a self-contained community that consists of private residential units within one or more buildings, each unit having a full bath within said unit and access to facilities and equipment within the complex which may be shared by members of the community within the ALF (Residential). Each living unit shall have a minimum of 300 sq. ft. per bed, and may share areas to facilities and equipment for preparation and storage of food. Sharing of units shall be permitted only upon request, and the mutual consent of the occupants of each unit.

B. An Assisted Living Facility is hereby further defined as a complex whereby housing and/or long term health facilities are provided for, within a managed residential community, serviced by an Assisted Living Services Agency (ALSA). Such facilities shall include living units that shall provide for an assisted living environment for residents requiring selective support services necessary to maintain a generally independent lifestyle. Such facilities shall not include correctional institutions or institutions for the insane, or for drink or drug-dependent individuals. Each such facility shall have the following on-site activities, and/or services, at a minimum for its residents:

(1) Shared dining and common support services to provide three meals per day;

(2) Periodic and/or on-going health care and monitoring services by licensed health staff member, which shall also include 24 hour per day security provided by security services and/or trained on-site staff;

(3) Areas suitably equipped to meet the social, recreational, therapeutic, and leisure time needs of the residents;

(4) A reliable plan for transportation services for homebound residents who would be able to participate in community, cultural

or similar activities within the Town, as well as shopping, banking, places of worship, clubs and other normal activities; and

(5) An emergency call system in each living unit.

C. Each facility shall possess any and all necessary federal, state and/or local permits and/or certificates as required.

D. (1) Notwithstanding the foregoing, assisted living units may be converted to independent living units provided that (i) the total number of bedrooms and units remains the same in the facility, (ii) said independent living units are age-restricted to occupants who are 55 years or older with no co-occupant being under the age of 19 years old (hereinafter "independent living dwelling units") and (iii) ten percent of all independent living dwelling units shall be deemed "affordable units" and be deed-restricted to be sold or rented at, or below, prices which will preserve the units as affordable housing for persons whose income does not exceed eighty per cent of the median income in accordance with Connecticut General Statutes Section 8-30g. Independent living dwelling units shall provide kitchens. Occupants of independent living dwelling units shall have the option to select assisted living services as outlined in Section 2.5.1.B, but said services shall not be required if not permitted under federal, state or local governments.

(2) Active Adult dwelling units are units restricted by the age standards stated in Art II, Sec. 2.5.1.D(1)(ii). Active Adult dwelling units are not required to provide the services specified in Art II, Sec. 2.5.1.B(1)-(5).

(3) Independent living units and Active Adult units may be constructed within a new building or an addition to an existing building in an ALF in accordance with the remaining applicable standards of Art II, Sec. 2.5 at a density no greater than the total number of bedrooms and units existing within the existing assisted living facility.

2.5.2 Site of Zone

Each ALF (Residential) shall require a minimum of 6 contiguous acres.

2.5.3 Location of Zone

An ALF (Residential) shall be located only in areas zoned for residential use, which area shall have at least 150' road frontage on an arterial road as designated by the Plan of Development (excluding any road designated as a "scenic highway"), and

has either additional road frontage, or access to a State highway. Access to and from the site shall be solely from the State highway.

2.5.4 Bulk (Building Standards)

Minimum building lines and limits on heights and bulk of buildings:

Minimum road access 150' on arterial roadway, with road frontage on a state highway or Right-of-way

Setbacks from property lines 50', except a setback from a side property line can be reduced to a minimum of 20' where the Commission makes the determination that the proposed height will not be visually detrimental to neighboring properties.

Maximum lot coverage 15%, except when an ALF abuts the BC – Long Hill Green and Town Hall Node, the permitted maximum lot coverage is increased to 20%.

Maximum height 40 feet or two Stories, whichever is greater, except if the ALF contains an existing building, which exceeds these bulk standards, on a property that abuts the BC – Long Hill Green and Town Hall Node, any proposed new construction can have a maximum height of 52' provided that the new construction (1) is connected to the existing building; (2) maintains a maximum height of 40' for a minimum distance of 100' from the street property line; (3) does not exceed four stories; and (4) the Commission makes the determination that the proposed height will not be visually detrimental to neighboring properties.

*The front setback and lot coverage may be reduced by the Commission if the proposed structure is 1 ½ stories high, but in no event shall the setback from the street be less than fifty (50) feet.

2.5.5 Utility and Road Requirements

A. There shall be a storm drainage system for all new construction which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicable Town ordinances and regulation, specifically including Article I, Section 5.3 of these Regulations.

B. All utility facilities shall be placed underground.

C. The construction of the paved portions of roads shall conform to all applicable Town ordinances and regulations.

D. The dimensions and construction of new parking areas shall conform to all applicable Town ordinances and regulations.

E. There shall be a public water supply and municipal sewer system serving the facility.

F. All internal roads shall be private roads, and not dedicated.

2.5.6 Landscaping

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Town Planner. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

2.5.7 Design Review

The applicant shall submit design standards in conformance with Section 2.5.12 of this Section 2.5.

2.5.8 Provisions for Vehicles

A minimum of 0.7 spaces per assisted living dwelling unit and one and one-half (1.5) spaces per independent or active adult dwelling unit shall be provided.

2.5.9 Application for Zone Change Approval

An application for a zone change to shall include:

A. A completed zone change application as provided for by the Commission including, where necessary, an approval letter from the Inland Wetlands

and Watercourses Commission determining the extent of the wetland areas.

B. A written statement describing how the proposal complied with the purposes set forth in this Article II, Section 2.5.1, if applicable, of these regulations.

C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:

(1) Define the location of the areas to be used for residential and conservation or recreational purposes.

(2) Set forth the proposed density of the dwelling units.

(3) Show all roads and utilities.

(4) Show present and proposed topography.

(5) Show conceptual landscaping plan for the site.

(6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.

D. Preliminary building plans illustrating:

(1) A typical floor plan.

(2) Typical elevations.

(3) Design Standards (as required in Section 2.5.11 of this Section).

2.5.10 Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to ALF (Residential) if it complies with the following:

A. The development project conforms to the purposes set forth in Section 2.5.1 of this Article, if applicable, and to all other applicable provisions of these Regulations.

B. If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.

C. The zone change request shall be submitted simultaneously with a proposed site plan. In addition, construction must begin within one year from the date of final site plan approval or the zone change and site plan approval shall expire.

2.5.11 Standards for Design

The Commission may approve a site plan filed in connection with an ALF (Residential) zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

A. Site Development Standards

(1) Driveways: All drives shall be asphalt, pea stone, brick and/or stone.

(2) Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete. Each development shall have at least one walking path, surfaced for wheelchair use that runs more or less around the perimeter of the Parcel.

(3) Finish Grading: The building shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4” (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.

(4) Pools and Tennis Courts: All pools and tennis courts shall be heavily screened with plantings, and shall not be located within 75’ of the state highway. “Above ground” swimming pools are not permitted. There shall be a clubhouse where residents can gather for social and recreational purposes.

(5) Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.

(6) Signage: Permanent numerical identification signs not exceeding 4” (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents and which do not exceed, in the aggregate, more than two square feet per household, are permitted. Temporary real estate signs are also permitted. One sign identifying the proposed development shall be permitted at each entrance; said sign shall contain no more than twenty-five (25) square feet in area per side, and shall not exceed six feet in height. No other signage is permitted.

(7) Siding: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044” in thickness, fiber cement siding and modern EFS products that include back drainage. Unacceptable materials include, but are not limited to, particle board, composition board, “Dryvit”, cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl siding.

B. Additional Restrictions

(1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed garage or while performing services at a dwelling. In no case, however, shall any vehicles be parked on the roads, passageways, or on any other right-of-way or access way in the development.

(2) No Livestock, except usual household pets (quartered within the dwelling at night), shall be permitted.

(3) There shall be no burning of garbage, refuse, or debris.

(4) All construction and/or site improvements in an ALF (Residential) zone shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Section 2.5.

2.5.12 Continuing Nature of Standards

The regulations, prohibitions and standards herein set forth are expressly declared to be of continuing application. Any permission to use land for these purposes shall be subject to compliance with regulations, prohibitions and standards herein set forth; the approval of any application for an ALF (Residential) shall be conditioned

upon completion of the proposed improvements in accordance with the approved plans. Construction shall be commenced within a twelve-month period from the final approval, and the proposed construction shall be completed within a two-year period from the date of the commencement of the construction. One extension for an additional period not to exceed two years may be granted by the Commission after a hearing, for good cause shown.

ARTICLE II

2.6 Assisted Living Facility Zone (Industrial)

2.6.1 Purpose and Intent

A. The purpose and intent of this Regulation is to authorize assisted living facilities in areas zoned for industrial use, herein referred to as ALF (Industrial) in accordance with the purpose and intent established in Section 2.5.1., except that

(1) In an ALF (Industrial) facility each living unit shall have a minimum of 250 sq. ft. per bed.

(2) Facilities within ALF (Industrial) zones may include or consist entirely of independent living units provided that said independent living units are age-restricted to occupants who are 55 years or older, and no co-occupant may be under the age of 19 years old, (hereinafter “active adult dwelling units”). Active adult dwelling units shall provide kitchens. Where provided, occupants of such units shall have the option to select assisted living services as outlined in section 2.5.1.B.

(3) Provided that there is no increase in the total number of units or total number of bedrooms, living units may be converted from one type of unit to another type of unit, subject to all applicable state or town regulations.

(4) Ten percent of all active adult dwelling units, including those converted from assisted units, shall be deemed “affordable units” and shall be deed-restricted to be sold or rented at, or below, prices which will preserve the units as affordable housing for persons whose income does not exceed eighty per cent of the median income in accordance with Connecticut General Statutes Section 8-30g.

B. An ALF (Industrial) shall be subject to all provisions set forth in Section 2.5 with regard to utility and road requirements (Section 2.5.5), landscaping (Section 2.5.6), and Design Review (Section 2.5.7).

C. An application for an ALF (Industrial) shall be made in accordance with the provisions of Section 2.5.9 and subject to the provisions of Section 2.5.10 (Standards for Zone Change Approval), Section 2.5.11 (Standards for Design), and Section 2.5.12 (Continuous Nature of Standards).

2.6.2 Site of Zone

Each ALF (Industrial) shall require a minimum of 4 contiguous acres.

2.6.3 Location of Zone

An ALF (Industrial) shall be located in an area zoned for industrial use, which area shall have at least 150 ft. of road frontage and has either additional road frontage or access to a state highway.

2.6.4 Bulk (Building Standards)

Minimum building lines and limits on heights and bulk of buildings:

Minimum road access	150’

Setbacks from property lines 50’, except that a minimum of 35’ on no more than one property line; the setback must be a minimum of 50’ when the property line abuts a residential property

Maximum lot coverage	60%
Maximum height	45’ or 3 stories, whichever is greater

Vents, skylights, elevator enclosures and other mechanical rooftop apparatus shall not exceed 30% of roof areas and shall not extend more than 15’ above the roof.

2.6.5 Provision for Vehicles

A minimum of one-half (0.5) spaces per dwelling unit shall be provided. A minimum of one and one-quarter (1.25) spaces per active adult dwelling unit shall be provided.

2.7 Village Residence District

2.7.1 Purpose

Village Residence Districts ("VRD") may be established by the Planning and Zoning Commission in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A VRD may be established by the Commission when found necessary and appropriate for the following purposes:

To permit the use land, buildings and other structures for purposes that would be beneficial to and consistent with the character of the Town and the long range improvement of the neighborhood and consistent with the comprehensive plan of development as adopted by the Commission, when such uses are located on tracts of land sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes, and shall be limited to the construction of single family homes.

2.7.2 Establishment of District

1. The Commission shall establish the VRD for a particular parcel after application and public hearing(s). If adopted for a particular parcel, such adoption shall constitute a zoning map amendment.

2. As part of the VRD approval, the applicant must also simultaneously submit an application for a Special Permit/Exception pursuant to Article XV or any modification of any plan of development for a Special Permit/Exception pursuant to Article XV. The designation of a VRD and all development of any kind in a VRD shall be subject to Special Permit/Exception approval. Notwithstanding anything to the contrary in this regulation, for any application, the applicant must first obtain final approvals from the Inland Wetlands & Watercourses Commission, the Police Commission and the Water Pollution Control Authority prior to filing an application for zone change and special permit with the Commission.

3. The following characteristics are required for a site to be eligible for the VRD designation:

    a. VRD Size: A VRD shall contain a gross area of not less than 10 acres, and no larger than 30 acres. Minimum lot size in a VRD shall be 10 acres.
    b. Sanitary Sewer and Public Water: The VRD will only be considered if the proposed dwellings will be connected to public sanitary sewers and if the

proposed dwellings will be connected a public drinking water system. The sanitary sewer shall be maintained by a private association.

c. Street Location: A VRD must either (1) have a minimum of unbroken frontage, except for driveways of 200 feet on a state highway or state road, and must be accessed exclusively from a state highway or state road or (2) a VRD must abut the Merritt Parkway and have frontage on Booth Hill Road.

d. Allowed Uses:
    i. Single family detached dwellings at a density of no more than 3.5 dwelling units per net acre lot (gross acreage, less existing wetlands and watercourses), provided that a VRD abutting the Merritt Parkway and having frontage on Booth Hill Road must designate at least eighty percent (80%) of the dwelling units within the VRD to be occupied by at least one person who is fifty-five (55) years of age or older, provided, however, that if a surviving spouse or a spouse remaining after the issuance of a divorce decree is under fifty-five (55) years of age, said spouse may remain in occupancy of such dwelling unit.
    ii. Community facilities such as a community building and recreational amenities are for the exclusive use by residents of the VRD only. These facilities shall not be made available, under any circumstances, for use by the public on any basis.

e. Development Limitations: In order to allow for the orderly provision of municipal services and so as to not overburden the infrastructure capacity of the town, the maximum number of dwelling units to be approved on any site is limited by:
    i. Net acre density provision [see subsection d (i) above].
    ii. A maximum of 105 units may be permitted on any one lot in a VRD.
    iii. Notwithstanding the foregoing, a maximum of thirty-five (35) units may be permitted on any one lot in a VRD which location satisfies subsection 2.7.2.3.c(2)

f. Height, Area, and Bulk Standards:
    i. No building shall exceed a height of 30 feet as defined in Article 1(19).
    ii. Impervious lot coverage shall not exceed 60% of the lot area (gross area, less existing wetlands, and watercourses).
    iii. Maximum lot coverage, as defined in Article I (91) shall not exceed 40% (gross area, less existing wetlands, and watercourses).

g. Buffers and Setbacks:
    i. Except as provided for herein, all residential buildings, garages, community service facilities and accessory uses shall meet a minimum building setback of 50 feet from a public highway, 30 feet from rear property lines, 30 feet from side yard property lines.
    ii. All residential buildings, garages, community service facilities and accessory uses, when abutting any non-VRD residential zoning

district, shall meet a setback of 30 feet, within which there shall be a twenty-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs.

iii. Gate, guardhouses, and similar type structures may be constructed within 30 feet of any street line and 15 feet from any other property line except, when abutting any non-VRD residential zoning district, shall meet a setback of 40 feet, within which there shall be a twenty-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs.

iv. Athletic courts for sports including, but not limited to, tennis and basketball, shall meet a setback of 50 feet from any non-VRD residential zoning district, within which there shall be a dense twenty-foot landscaped buffer. This landscape buffer may be a naturalized mix of evergreen and deciduous trees and shrubs and shall be designed in combination with fencing, as necessary, to eliminate unreasonable noise associated with the use of the court(s) from being heard in the abutting non-VRD residential zoning district.

h. Parking and Site Circulation Standards:

i. Parking shall be provided at a rate of two (2) spaces per dwelling unit, one of which may be in a garage.

ii. There shall be two (2) visitor spaces for every four (4) units. The visitor spaces shall be provided in areas convenient to all of the units.

iii. Vehicle circulation shall be provided in any number or combination of the following private roads and/or drives:

i. Internal Roads: Internal roads are private primary vehicular corridors, which collect driveways/alleyways/mews and outlet onto public roads. These must be paved to a minimum width of 24 feet for two-way traffic. Roads shall be constructed in accordance with all building, zoning and wetland codes, best practices and as approved by the Town Engineer. Storm drains shall be designated and constructed in accordance with all building, zoning and wetland codes and as approved by the Town Engineer.

ii. Private Drives or Mews: Private drives or mews are semiprivate service driveways or alley-like drives which serve three or more homes/garages and/or community facilities and must be paved to a minimum width of 15 feet with two outlets, or 18 feet when serving a community facility.

iii. Driveways: Driveways must be paved a minimum of 12 feet in width.

iv. Off-street visitor parking may be accommodated when limited to one side of the road.

v. Community facility parking shall be suitably located to minimize traffic to the interior of the development. It shall be provided at a rate four (4) spaces per 1,000 square feet of gross building area exclusive of basements.

vi. Traffic Report: A written traffic report shall be submitted by a qualified professional engineer and if required by the Commission, the applicant shall pay for a traffic engineer hired by the Town.

i. Building Standards:

i. A VRD shall contain a mix of housing types and sizes with an emphasis placed on exterior variations in facade design, materials and colors. A mix of one-, two- and three-bedroom dwellings may be incorporated. Living areas shall contain a minimum of 1,200 square feet and a maximum of 3,000 square feet of conditioned space. Nonconditioned space such as garages, basements, attics, patios and terraces shall not be included in these calculations.

ii. Architectural design plans, including general floor plans, exterior elevations, including the specific types of materials to be used on the exterior of buildings must be shown and approved by the Commission.

iii. There shall be a minimum set back distance of 15 feet between buildings and a minimum set back distance of 20 feet from internal road curb lines exclusive of overhangs, eaves, cornices or similar architectural projections, stoops, landings, steps, decks, porches, chimneys. If a sidewalk is provided the building shall have a minimum setback distance of 20 feet from the edge of the sidewalk closest to the building.

iv. Garages with no living space above may be attached to dwellings or separated from dwellings a minimum of six feet. Garages with living space above shall be considered part of the dwelling unit itself for setback purposes.

v. All utilities shall be underground.

vi. All buildings shall conform to a consistent architectural theme that creates a village like environment, as approved by the Commission.

vii. The VRD shall be designed as a walkable community with a strong interior pedestrian plan. A system of sidewalks shall be incorporated in the plan.

j. Landscaping, Open Space and Lighting.

i. In order to assure the high-quality visual aesthetic, and long-term compatibility with neighbors, a master landscape plan, along with a detailed landscape plan, shall be provided, prepared by a

Connecticut- licensed landscape architect, and subject to the recommendations of the tree warden.

1. If reasonably prudent and feasible, the proposal shall make reasonable attempts to adapt to existing topography and natural site features.
2. Existing mature vegetation on the site shall be retained in areas not disturbed by construction. In areas disturbed by construction or in areas sparsely vegetated, new plantings shall be provided in accordance with the master landscape plan.
3. Internal roads shall be planted with street trees, minimum 2 1/2 inches to three inches caliper, approximately 50 feet on center.
4. Surface parking areas shall contain interior island and/or perimeter tree plantings at the rate of one tree (2 l/2 inches to three inches caliper for deciduous and six feet to eight feet in height for evergreen) for every six parking spaces proposed.
5. Typical foundation plantings shall be shown on the provided detail landscape plan.
6. Excluding required buffers; space in the form of undeveloped natural areas, created wetlands and landscaped areas shall be provided at the rate of 400 square feet per dwelling.
7. Additionally, recreational and community amenities, including community buildings with associated infrastructure such as parking areas and driveways shall be provided at the rate of an additional 400 square feet per dwelling.
8. Lighting shall employ decorative light poles and fixtures that are night sky compliant and full cut-off with a maximum height of 20 feel for all areas with pedestrian orientation.
9. Larger parking areas may use generic nondecorative poles and fixtures.

k. Trash Removal: With the exception of community amenities, trash collection points shall be designated at the driveway of each individual dwelling. Standardized trash containers shall be provided to each unit owner, and be stored in garages or, if applicable, a designated, suitably enclosed area.
    i. Trash enclosures, when utilized, shall be adequately screened by fencing and/or architectural elements and landscaping which harmonizes with the development in general.
    ii. Trash enclosures shall meet setback requirements, as described above.

l. Storm Water Management:

i. A written engineering report addressing storm drainage and storm water detention shall be in compliance with Article 1 -Section 5 (5.3) Sediment and Erosion Control Plan, and subject to Article 10 of the Zoning Regulations, and Town Engineering storm water management and design standards.
ii. A statement from the town engineer as to the adequacy of the drainage and storm water management plans.

m. Fire Suppression: The water system within the development shall deliver adequate water pressure to provide safe and efficient fire protection, in the opinion of the fire marshal.
n. Public Safety: A statement from the local public safety agencies, including the police chief and the town fire marshal, stating that the proposal meets all public safety standards.
o. Commercial Vehicles: Commercial vehicles may not be stored, parked or maintained on-site unless such commercial vehicle is being used as part of an active construction project. In such event, the commercial vehicle may not be maintained, stored or parked on-site for a period longer than 30 days.

2.7.3 Construction of Improvements

1. The Commission may require a performance bond to guarantee the completion of all physical improvements required by the approved plans and regulations, including but not limited
    a. The installation and completion of measures and facilities required under drainage and soil and erosion control plan;
    b. The cost of all community improvements and restorations, including but not limited to roadway, curbing, driveway aprons, sidewalks, street lighting, catch basins, water and sanitary sewer lines and facilities, storm drainage facilities, easements and channels, and public road restoration upon completion of subdivision, landscaping, and recreational facilities;
    c. The cost to achieve restoration of the site in the event of expiration of approval of the plan prior to the completion of community improvements;
    d. All other items required by the Zoning regulations, whether listed in the bond estimate or not.

2.8 Reservoir Apartment District Overlay Zone

2.8.1. Purpose

Reservoir Apartment District ("RAD") may be established by the Planning and Zoning Commission in accordance with the procedures hereinafter specified. The provisions of this Section are designed to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below. A RAD may be established by the Commission when found necessary and appropriate for the following purposes:

To permit the use land, buildings and other structures for purposes that would be beneficial to the Town and the long range improvement of the neighborhood and consistent with the comprehensive plan of development as adopted by the Commission, when such uses are located on tracts of land sufficient size to accommodate harmonious design of buildings, structures and facilities in connection with the use and when another zoning district could not be appropriately established to accomplish such purposes, and shall allow the construction of apartments.

2.8.2 Establishment of District

1. The Commission shall establish the RAD for a particular parcel after application and public hearing(s). If adopted for a particular parcel, such adoption shall constitute a zoning map amendment.
2. The following characteristics are required for a site to be eligible for the RAD designation:
    a. RAD Size and Zone: A RAD shall contain a gross area of not less than 1 acre, and no larger than 5 acres and be in an underlying Residence Zone.
    b. Sanitary Sewer and Public Water: The RAD will only be considered if the proposed apartment buildings will be connected to public sanitary sewers and approved by Trumbull WPCA.
    c. Street Location: The RAD must be in a Residential Zone A south of Rt. 15 with an address on Reservoir Avenue.
    d. Allowed Uses:
        i. Residential units at a density of no more than 50 dwelling units.
        ii. 70% of the units must be one bedroom.
        iii. Community facilities such as a community building and recreational amenities for the exclusive use by residents of the RAD only. These facilities shall not be made available, under any circumstances, for use by the public on any basis.
    e. Height, Area, and Bulk Standards: No building shall exceed a height of 45 feet with an allowance of an additional 5 feet for utility structures and screening
    f. Buffers and Setbacks:
        i. Except as provided for herein, all residential buildings, garages, community service facilities and accessory uses shall meet a minimum

building setback of 10 feet from Reservoir Avenue, 0 feet from rear property lines, 0 feet from side yard property lines.

g. Parking and Site Circulation Standards:

i. Parking shall be provided at a rate of 1.25 spaces per one bedroom and studio and 2 per two bedroom units.

ii. Vehicle circulation shall be provided in any number or combination of the following private roads and/or drives:

1. Internal Roads: Internal roads are private primary vehicular corridors, which collect driveways/alleyways/mews and outlet onto public roads. Storm drains shall be designated and constructed in accordance with all building, zoning and wetland codes and as approved by the Town Engineer.

2. Traffic Report: A written traffic report shall be submitted by a qualified professional engineer.

h. Building Standards:

i. There may only be studios, one bedroom and two bedroom units.

ii. Architectural design plans, including general floor plans, exterior elevations, including the specific types of materials to be used on the exterior buildings must be shown to the Commission.

iii. All utilities shall be underground.

i. Landscaping. Open Space and Lighting.

i. In order to assure the high-quality visual aesthetic, and long- term compatibility with neighbors, a master landscape plan, along with a detailed landscape plan, shall be provided, prepared by a Connecticut-licensed landscape architect and approved by the Town Planner.

ii. Lighting shall employ decorative light poles and fixtures that are night sky compliant and full cut-off with a maximum height of 20 feet for all areas with pedestrian orientation.

iii. Larger parking areas may use generic nondecorative poles and fixtures.

j. Trash Removal:

i. Trash enclosures, when utilized, shall be adequately screened by fencing and/or architectural elements and landscaping which harmonizes with the development in general.

ii. Trash enclosures shall meet setback requirements, as described above.

k. Storm Water Management: A written engineering report addressing storm drainage and storm water detention shall be in compliance with Article 1 Section 5 (5.3) Sediment and Erosion Control Plan and subject to Article 10 of the Zoning

Regulations and Town Engineering storm water management and design standards.

l. Fire Suppression: The water system within the development shall deliver adequate water pressure to provide safe and efficient fire protection, in the opinion of the fire marshal.

m. Commercial Vehicles: Commercial vehicles may not be stored, parked or maintained on-site unless such commercial vehicle is being used as part of an active construction project. In such event, the commercial vehicle may not be maintained, stored or parked on-site for a period longer than 30 days.

n. Affordable Units: At least 15% of the total units shall be designated as affordable units. Affordable units shall mean units restricted to individuals earning 80% of the area median income and that otherwise comply with Connecticut law so that the units count for points for a moratorium of CGS Section 8-30g applications.

2.8.3 Bond

a. The Commission may require a surety bond to guarantee the
    i. The installation and completion of measures and facilities required for soil and erosion control plan.

2.8.4 Application Procedure for Zone Change

An application for a zone change to the RAD must include the following:

a. An Application for a Special Permit with accompanying Site Plan in accordance with Article XV of these Regulations.

b. A written statement describing how the proposal complies with the purposes set forth in these Regulations.

c. Final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

d. Final approval from the Trumbull Water Pollution Control Authority for the project proposed in the Special Permit Application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

e. Final approval from the Trumbull Police Commission for the project proposed in the Special Permit application. Said approval to be obtained prior applying for a zone change to the Planning and Zoning Commission.

The Commission may approve a petition to change the zone to the Overlay Zone if it conforms to the purposes set forth in this regulation.

With respect to any standard or guideline established by this Section, the terms of this regulation shall supersede, or in the event of any conflict prevail over, any other provision established by these Regulations.

2.8.5 Limitation on RAD Overlay Zone

In order to understand the impacts on the community of an RAD overlay zone approved by the Commission, the Commission shall not approve more than one RAD overlay zone in any five year period

2.9 Active Adult Community Zone

2.9.1 Purpose and Intent

A. It is the purpose and intent of this regulation to utilize a floating zone vehicle to authorize and promote the construction of alternative housing options for persons 55 years of age and older who remain active and desire an independent living environment.
B. Any Active Adult Community Zone (AACZ) constructed within the town shall be in full compliance with all of the requirements of this regulation, as well as all other applicable town ordinances and regulations except as provided for in these regulations.
C. An Active Adult Community Zone (AACZ) shall be deemed to mean a housing development in which one hundred (100%) percent of the multi-family dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such multi-family dwelling units be owned and occupied by at least one person who is fifty-five (55) years of age or older, provided, however, that ***if a*** surviving spouse ***is under*** fifty-five (55) years of age, ***said spouse*** may remain in occupancy of such dwelling unit.

2.9.2 Location of Zone

An Active Adult Community Zone (AACZ) shall be located only in the Residence AA Zone and shall consist of at least six (6) contiguous acres. Such AACZ must be located within 500 feet, measured in a straight line ("as the crow flies"), from Old Mine Park and accessed exclusively from Teller Road. An AACZ shall not exceed fourteen (14) contiguous acres.

2.9.3 Permitted Uses

Permitted uses are those provided for in Residence Zones as set forth in Section 1 of Article II of these Regulations, and age-restricted multi-family dwellings.

2.9.4 Density

The maximum number of dwelling units shall be no greater than four (4) units per "buildable" acre. For purposes of this subsection, the term "buildable" is defined as the gross acreage of the subject parcel, minus seventy-five (75%) percent of all wetland areas as determined by a certified soil scientist and approved by the Inland Wetlands and Watercourses Commission.

2.9.5 Bulk (Building Standards)

Minimum Frontage	150'
	Except that Minimum Road Frontage shall be 50 feet where the lot frontage of the subject lot is located solely on a cul-de-sac or dead-end street, or private street.

Maximum Building Height	40’
Front Setback	50’
Side	50’
Rear	50’
Maximum Lot Coverage	25%

Notwithstanding any other provision of these Regulations, parking and driveways in the AACZ shall be permitted within any minimum required yard.

2.9.6 Utility and Road Requirements

1. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicable town ordinances and regulations, specifically including Article I, Section 5.3 of these Regulations.
2. All utility facilities shall be placed underground, unless otherwise required by utility provider.
3. All common areas and elements are to be maintained by an association of homeowners in accordance with the Connecticut Common Interest Ownership Act.
4. All internal roads shall be private roads and not dedicated to the Town.

2.9.7 Landscaping

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided and approved by the Town Planner. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and

Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

2.9.8 Design Review

The applicant shall submit design standards in conformance with Section 2.9.12 of this Article.

2.9.9 Provisions for Vehicles

A minimum of one and one half (1.5) spaces per dwelling unit shall be provided; at least one-half of the number of required spaces shall be garage spaces.

2.9.10 Application for Zone Change Approval

An application for a zone change to AACZ shall include:

A. A completed zone change application ***and application for special permit*** as provided for by the Commission including, where necessary, an approval letter from the Inland Wetlands and Watercourses Commission determining the extent of the wetland areas (as required by Section 2.9.4 of this Article).
B. A written statement describing how the proposal complied with the purposes set forth in this Article II, Section 2.9.1, of these regulations.
C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:
    (1) Define the location of the areas to be used for residential and conservation or recreational purposes.
    (2) Set forth the proposed density of the dwelling units.
    (3) Show all roads and utilities.
    (4) Show present and proposed topography.
    (5) Show conceptual landscaping plan for the site.
    (6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.
D. Preliminary building plans illustrating:
    (1) A typical floor plan.
    (2) Typical elevations.
    (3) Design Standards (as required in Section 2.9.12 of this Section 2.9).
E. ***Prior to submitting an application for a zone change to the Commission, the applicant first must obtain final approvals from (i) the Inland Wetlands and Watercourses Commission and (ii) the Police Commission***.

2.9.11 Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to Active Adult Community Zone if it complies with the following:

The development project conforms to the purposes set forth in Section 2.9.1 of this Article and to all applicable provisions of these Regulations.

If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.

The zone change request shall be submitted simultaneously with a proposed site plan. In addition, construction must begin within one year from the date of final site plan approval or the zone change and site plan approval shall expire.

2.9.12 Standards for Design

The Commission may approve a site plan in connection with a AACZ zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

A. Site Development Standards
   (1) Driveways: All drives shall be asphalt, pea stone, brick and/or stone.
   (2) Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete.
   (3) Finish Grading: The house shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4” (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.
   (4) Pools and Tennis Courts: All pools and tennis courts shall be heavily screened with plantings, and shall not be located within 75’ of the state highway. “Above ground” swimming pools are not permitted.
   (5) Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.
   (6) Signage: Permanent numerical identification signs not exceeding 4” (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents and which do not exceed, in the aggregate, more than two square feet per household, are permitted. Temporary real estate signs are also permitted. One sign identifying the proposed development shall be permitted at each entrance; said sign shall contain no more than twenty (20) square feet in area, and shall not exceed six feet in height. No other signage is permitted.
   (7) Size: No buildings shall exceed forty (40') feet in height.

B. Additional Restrictions
   (1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed Private Garage or while performing services at a dwelling. In no case, however, shall any vehicles be parked on the roads, passageways, or on any other right-of-way or access way in the development.
   (2) No Livestock, except usual household pets (quartered within the dwelling at night), shall be permitted.

(3) There shall be no burning of garbage, refuse, or debris.
(4) All construction and/or site improvements in and AACZ shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Article.
(5) All multi-family dwelling units shall be restricted to be used exclusively for a residential use as a single-family dwelling by at least one person who is fifty-five (55) years of age or older; provided, however, that the surviving spouse of a person who is fifty-five (55) years of age or older may remain in occupancy of a dwelling.

2.9.13 Continuing Nature of Standards

The regulations, prohibitions and standards of performance herein set forth are expressly declared to be of continuing application. Any permission to use land for residential purposes granted after the enactment of this revision shall be granted subject to compliance with the regulations, prohibitions, and standards herein set forth, and upon failure to comply with the same within fifteen (15) days after written notice of non-compliance from the Commission, the Commission may revoke any permission previously granted upon a hearing with notice to the owner(s).

No building permits shall be issued until a Mylar of the final approved plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator. *Effective September 1, 2000

Article II

SECTION 3: COMMERCIAL ZONES

3.1 Commercial Zone B-C (Business)

3.1.1 Permitted Uses

Within the Commercial B-C Zone, no Building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations:

1. Retail business or retail service provided that there shall be no manufacturing in connection therewith except such as is clearly incidental to the conduct of a retail business or service conducted on the premises, including but not limited to, department stores, health clubs, and clothing, grocery, liquor, appliance, jewelry, shoe stores and other similar establishments;

2. Business or professional office, including medical and dental clinics;

3. Bank and financial service;

4. Restaurants, including outdoor dining;

5. Personal service establishments, including but not limited to, laundry or cleaning agency, shoe repair, photographer's or art studio, massage facilities, chiropractic clinics, garment repair, tutoring, dance/karate school, barber shop/beauty parlor and other similar establishments.

3.1.2 Accessory Uses

The following accessory use is allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. Drive-throughs associated with any use in the B-C Zone require Special Permit approval by the Commission.

The following uses are permitted upon the issuance of a Certificate of Zoning compliance in accordance with Article V of these Regulations:

1. Accessory Uses for Principal Uses which are in compliance with the plans and conditions of approval for a use which has received a Special Permit or Site Plan approval in accordance with these Regulations.

2. Manufacturing or treatment only in connection with a permitted retail or service use, and when clearly incidental to the conduct of a permitted retail business or service conducted on the Premises.

3. Temporary Accessory Sale of Holiday Decorations and Retail Products. Sale of products, including but not limited to holiday or seasonal decorations or products, within any parking field provided that all such temporary sales shall not exceed a period of thirty (30) days, and no flood lights or loudspeakers are utilized.

4. Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety, and welfare.

3.1.3 Special Exception Uses

The following Uses are allowed only apply the issuance of a Special Exception by the Zoning Board of Appeals in accordance with Articles VI and Article XV of these Regulations:

None.

3.1.4 Special Permit

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations

1. Post Offices.

2. Firehouses.

3. Newspapers and job printing.

4. Clubs and fraternal organizations.

5. Automobile salesrooms, gasoline filling stations and garages for the storage and repair of not more than 15 motor vehicles, subject to the following conditions and restrictions:

   a. All automobile repair work, with the exception of emergency work, shall be conducted wholly within a building.

   b. No more than 12 vehicles may be displayed or stored outside of an automobile showroom, gasoline filling station or garage during hours when such a business is closed.

   c. Any automobile salesroom, gasoline filling station or garage that is located adjacent to a residence or residentially zoned property shall be buffered by walls, fences and/or vertical landscape screening as recommended by the Town Planner and the Planning and Zoning Commission.

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

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

6. Hotels, subject to the following conditions and restrictions:

   a. The minimum lot area shall be ten (10) acres;

   b. The minimum lot frontage shall be five hundred (500) feet;

   c. Private access roads shall be provided from parking areas and buildings to public streets adequate to prevent congestion in the streets and avoid hazardous traffic conditions;

d. Exterior lighting or other illumination shall be in such a manner, provided that the light source shall be shielded from any adjacent residence district or street;

e. Outside storage of trash, rubbish or other materials is prohibited, except in a completely screened area, such as a block wall screened by shrubs;

f. The property shall be served by municipal sanitary sewers only;

g. Off-street parking shall be provided and shall consist of at least one space for each guest room, plus at least twelve (12) spaces for each 1,000 square feet of "public space", or at least one and one-half (1.5) spaces for each guest room, whichever shall be greater.

"Public space" for the purpose of this subparagraph (g)(6) shall be deemed to mean restaurants, cocktail lounges, bars, coffee shops, meeting rooms, conference rooms and ballrooms within a hotel.

The parking requirements for hotels as defined in this subparagraph (g) shall be as provided in this subparagraph (g), any other provision of these regulations to the contrary notwithstanding.

h. No building shall exceed fifty (50) feet in height. Such maximum height shall be applicable to this use only, notwithstanding the provisions of Article III to the contrary.

i. Any parking garage or parking decks shall not be included in calculating maximum lot coverage under Article III of these Regulations.

7. Indoor Recreation and Amusement Uses including but not limited to Sports Club, Health Club, Fitness Center, Theater, and Bowling Alley.

8. Day Care Center

9. Regional Medical Centers, Ambulatory Surgery Centers, Hospitals, Long or Short Term Medical Care Facilities, which uses shall include uses typically accessory to such Medical Centers, Surgery Centers, Hospitals and Medical Care Facilities. Such accessory uses include but are not limited to day care, cafeteria/food services, pharmacies, general office, and medical office.

10. Private pre-schools, occupational schools, and private specialized schools providing training in a specific trade or skill. Public and private elementary and secondary schools, colleges and universities shall not be permitted in this zone.

11. Brewery, Brew Pub and Brew Pub/Restaurant

12. Boutique Manufacturing

13. Dog Day Care

3.1.5 Bulk (Building Standards)

In addition to the provisions of Article III of these Regulations, the following shall apply:

1. Maximum Building Coverage in a B-C Commercial Zone shall not exceed 20% of the total site available for such use nor shall the Gross Floor Area of any buildings or other structures to be constructed exceed 40% of the total site, excluding any underground parking beneath any building. For all lots, the Maximum Lot Coverage shall be 80%, and there shall be a minimum of 20% landscaped areas.

2. The minimum lot size for any B-C Commercial Zone shall be two (2) acres.

3. No building shall exceed 40 feet in height.

4. There shall be a minimum 25-foot wide landscaped buffer located at the property line abutting any single-family house in a Residential zone. Other than as set forth above, landscaped buffers shall be required at any property line abutting a public road or highway for aesthetic, safety and/or complete screening purposes as determined by the Commission. Where, in the opinion of the Commission, the minimum buffer required is inappropriate or impractical, the Commission may reduce the buffer if such reduction results in an improvement to the development of the site, superior traffic flow or improved building design and location. If the minimum buffer is reduced, there shall be planted on a rolling berm (appropriate to the site), a double row of evergreens as specified by the Town Planner.

5. In the case of a Regional Medical Center, Hospital, Ambulatory Surgery Center or Long or Short-Term Medical Care Facility the following shall

apply and supersede any contrary or inconsistent provisions in these Regulations:

(a) Any building or group of buildings for any such use shall contain at least 90,000 square feet of space devoted to medical use.

(b) The facility shall abut a limited access highway.

(c) The minimum lot size within the B-C zone shall be five (5) acres.

(d) No building shall exceed seventy-five (75) feet in height. For proposed buildings over 40 feet in height, the Planning and Zoning Commission shall make a determination that the height of any such proposed building shall have no negative impacts to any adjacent or proximate properties.

(e) Maximum building coverage shall not exceed fifty percent (50%) of the total site available for such use nor shall Gross Floor Area of any buildings or other structures to be constructed exceed one hundred percent (100%) of the total site, excluding any underground parking beneath any building. The maximum lot coverage shall be eighty-five percent (85%) and there shall be a minimum of fifteen (15%) landscaped areas.

(f) The Planning and Zoning Commission shall make a determination that the proposed project will not negatively impact any adjacent or proximate properties for proposals where building coverage exceeds 30% of the total site available for such use, or if the Gross Floor area of any buildings or other structures to be constructed exceed 50% of the total site, excluding underground parking, or if maximum lot coverage exceeds 80%, or if landscaped areas are less than 20% of the total site area.

(g) There shall be a minimum fifteen foot (15) foot buffer along any boundary of any lot used pursuant to this Section 3.1.5(5) and any abutting property located in a residential zone for any proposed new building(s) and improvements, provided that said landscaped buffer area shall include landscaping as approved by the Town Planner, in his sole discretion, and further provided that the Planning and Zoning Commission may eliminate the buffer requirement if it finds that such buffer would be inappropriate or impractical and such elimination does not adversely affect public health, safety or welfare, further provided that the Commission shall have discretion to require a buffer up to 50 feet in width if the Commission determines that a wider buffer is necessary in order

to prevent any negative impact to any adjacent or proximate properties.

(h) Minimum parking requirements may be met by including on-site parking and total parking spaces on an adjacent property (including spaces within a parking garage), whether or not such adjacent parking spaces are located in Trumbull or in another municipality.

(i) Any floor area regardless of the height above that area shall be deemed to be a single floor for the calculation of Gross Floor Area.

(j) The Planning and Zoning Commission shall have discretion to determine that the design and illumination of proposed buildings, parking areas and landscaped areas shall not negatively impact any adjacent or proximate properties.

3.1.6 Provisions for Vehicles

Except as expressly provided otherwise for particular uses, any Use within a B-C Commercial Zone shall provide sufficient parking which reasonably accommodates the nature and purpose of the use proposed. The Commission shall consider the parking generation rates published by the Institute of Traffic Engineers. On-street parking shall not be equated into the total number of required parking spaces for a proposed development. Parking shall be in accordance with Article IV of these Regulations. Any proposed Public Parking Garage shall be constructed in a style, manner, size and location on the lot which is in conformity with other buildings and structures on the lot and which does not detract from other improvements on the site. On-site parking areas shall be planted with trees (size and species as recommended by the Town Planner) with at least one (1) tree for each ten (10) off-street parking spaces.

Parking garages shall be limited to two levels, a ground level and a deck level. No retail usage shall be located below any parking level.

Refer to Article IV for parking calculations.

If there is a proposed change of use in an approved application this will require review and approval of the Town Planner to determine if the existing amount of parking meets current standards. If it does not meet current standards then a site plan modification approval is required from the Planning and Zoning Commission

3.1.7 Signs

Signs shall be in accordance with Article XIII of these Regulations, and, in addition, the following:

1. Single Use Parcels. For single use parcels (or those uses which have one predominant use), a single exterior sign advertising the principal business conducted on the premises shall be allowed, provided that such sign shall be of such size and design and located in such manner as the Commission shall specify with due regard to the requirements, conditions and limitations set forth below:

a. Height of all Sign Faces shall be limited to five (5) feet. Ground Signs may be placed on supports so as to elevate the sign for visibility. Under no circumstances may the top of any Ground Signs be above the roof line of the building or ten (10) feet, whichever is less;

b. Support materials for a Ground Sign shall be consistent with the external materials used in the building, that is, of similar color and texture as the external materials used in the building consistent with the needs for support materials;

c. Lighting of the sign may be indirectly or directly illuminated. Lighting must be such that no direct light shines towards a residential structure within line of sight;

d. Ground Signs shall be located at least ten (10') feet behind the Front Lot Line and not obstruct line of sight visibility. If there is a landscape buffer, the sign, if located within the landscape buffer shall be within ten (10) feet of the end of the landscape buffer nearest the building;

e. The total area of all signs shall not exceed one square foot for each linear foot of building frontage. Buildings which are set back a minimum distance of 80 feet from the public right-of-way shall be allowed a sign area not to exceed 1.5 square feet for each linear foot of building frontage;

f. Lettering for the sign shall be of appropriate size. The background of the sign, if a different color from the lettering, shall count as one color;

g. Sign content shall be limited to identification of building and/or principal tenant. No more than one tenant may be identified on a sign for property. No directory of tenants may be considered for signs;

h. For Ground Signs, the base area of the sign shall be landscaped consistent with the overall site plan for the parcel. It is the goal to landscape the base area of the sign with plants and greenery so as to soften the appearance of the sign.

2. Multiple Use Parcels. Where a particular B-C Zone has multiple uses, tenants or owners, the following sign shall be allowed, provided that such sign shall be of such size and design and located in such manner as the Planning and Zoning Commission shall specify with due regard to the requirements, conditions and limitations set forth below: One sign per entrance to the parcel, individual signs for major tenants to be affixed to the building and individual signs for each entrance to the building.

a. Entrance signs shall identify the parcel and not any single tenant. These signs shall follow all of the rules stated above for single use parcels; the maximum sign area shall be 100 square feet;

b. Individual signs for major tenants must be located upon the building surface and shall follow all of the rules stated above for single use parcel signs affixed to a building. Size of the sign shall be one (1) square foot per each linear foot of building frontage. Signs must be no more than three colors. Signs may be divided into multiple signs up to one (1) sign for each leased area based on tenant's linear frontage;

c. Located at any entrance to the building, there may be affixed a sign to the building to identify the entrance. Such identification can include the names of the tenants. Two styles of signs are permitted: either an unlit sign which can be a directory; or, a lit sign which can then identify only one tenant. Such signs shall be limited to twenty-five (25) square feet. A lit sign identifying one tenant is not permitted if that tenant has a major tenant sign as provided in (2) (b) above. In addition to the above limitations, the signs shall conform to the limitations for building affixed signs identified in (1) above;

d. Notwithstanding anything above, no signs shall be allowed, except the entrance signs, which are lit and visible from any residential

structure located within 1,000 feet of boundaries of the B-C property.

3. Shopping Centers - with respect to parcels within the B-C Commercial Zone that contain more than five (5) but fewer than fifty (50) acres, at least seventy-five percent (75%) of net usable square footage dedicated to retail use, abut a state highway, and are within one thousand (1,000) feet of a limited access state highway, the signage for shopping centers shall be in accordance with the following. The purpose of this section is to enhance the visual aspect of retail developments, presenting a cohesive identity for the shopping center and supporting the businesses therein without creating undue light trespass or garish or superfluous signage. In the event of a conflict between the provisions of this section 3.1.7.3 and any other regulation, including but not limited to Section 3.1.7.1, 3.1.7.2, 3.1.7.4 and Article XIII, this section shall govern.

a. Entrance signs shall identify the parcel and not any single tenant. These signs shall follow all the rules stated above for single use parcels; the maximum sign area shall be 60 square feet. The entrance sign shall be a minimum of fifteen (15) feet and maximum of seventy-five (75) feet from any lot line.

b. Unified Signage Plan for Tenant Signage – Applicant shall submit a unified sign design plan for approval by the Planning & Zoning Commission. Signs on multi-tenant buildings shall be of the same general type, character, size and relative location so as to provide a harmonious design. A sign design plan shall be prepared by a qualified sign designer, graphic artist, or architect, and shall include all proposed sign locations and designs including method of mounting, method of lighting, height, length, depth, and position on walls. The plan shall include a drawing showing the sign(s) dimensioned and to scale on the façade of the building(s) it will be attached to. The sign plan must be consistent with all other elements of the signage regulations contained in this Section and Article XIII. Once a unified sign plan is approved by the Planning & Zoning Commission, substitutions that remain consistent with the originally approved sign plan may be approved administratively by the agent of the Planning & Zoning Commission. Any significant deviations from the plan must return to the Planning & Zoning Commission for review.

c. The total area of all building wall signs for each tenant shall not exceed one square foot for each linear foot of the front of the

building, or 150 total square feet, whichever is smaller. The front of the building shall be defined as the longest building wall which faces directly onto a street or driveway. In the case of a corner tenant or stand-alone building, up to two adjoining walls may be included in the calculation of building front. Signs may be placed on any side of the building that faces the roadway or substantial parking area.

d. Attached signs shall not protrude more than 24" from the building façade, except in the case of pedestrian oriented blade signs, which may extend up to 36" from the building façade.

e. Preferred method of illumination is external spot light or reverse channel light (also known as halo light) in white. External spot lights should be directed to minimize light shed onto or beyond the building façade. Where the applicant provides ample evidence that internal illumination appropriate for the character of the Town and avoids discomfort or glare on residential properties, public highways, and traffic signals, then the Commission may permit such illumination. In accordance with Article XIII, any method of illumination that shows the bulb (such as neon) is not permissible.

f. Notwithstanding anything above, the Commission may limit or prohibit the size, location or illumination of any sign deemed to be visible to a residential zone or structure within 1,000 feet of the Multiple Tenant Retail Center

3.1.8 Special Regulations for the B-C Zone

1. Rooftop HVAC Equipment. All rooftop structures and all rooftop equipment, such as cooling, heating and other mechanical devices, shall be fully screened within architecturally compatible screening which shall be exhibited on a Site Plan to be submitted to and approved by the Commission. Such screening shall prevent the visibility of these units within a radius of 200 feet from ground level. Such structures shall not exceed 30% of a single, contiguous roof area and shall not extend more than ten (10) feet above the roof.

   Rooftop structures and rooftop equipment may extend to no more than fifteen (15) feet above a single, contiguous roof only in those cases where it can be demonstrated on a Site Plan to be approved by the Commission that (i) such structures or equipment will not be visible within a radius of 400 feet from ground level, and

(ii) no additional screening is required to shield such structures or equipment from view. The obstruction of views may be achieved by, inter alia, one or more of the following: taller surrounding roofs, building parapets or other architectural features, or a location inset from roof edges.

2. Uses to be Within Buildings. All principal uses, except gasoline filling stations, shall be conducted within a completely enclosed building, and the storage and display of materials, vehicles, merchandise or equipment between the street line and the front wall of any building is prohibited. Outside storage of goods, materials, work in process, finished products, trash, rubbish or other material or equipment, including trucks or other commercial vehicles used on the premises, shall be in a suitably screened area to reasonably prevent their view from adjacent zones or roadways. The Commission may approve outdoor use for such uses as outdoor dining, cafes or other appropriate outdoor uses.

3. Preservation of Existing Topography and Vegetation. Development of the site shall retain, as nearly as practicable, existing topographic contours. Specimen trees and other existing vegetation within the buffer areas or as required in parking areas shall be protected during construction. Where the buffer is adjacent to a residential zone, the Commission may require additional screening, including evergreen plants with at least one tree for each ten (10) feet of buffer length. It is the objective of the buffer zone to provide, as nearly practical, a year-round screen so as to hide the commercial buildings and parking from view of the neighboring lots. Pursuant to this, the Commission may require berms, evergreen plants and/or erection of screens.

3.1.9 Modifications to Existing Approval

A new Special Permit or new Site Plan approval, as the case may be, shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission, provided that:

1. The new use is permitted within the zone.
2. In the case of a special permit use, the new use is permitted within the zone and is a use similar to the one previously approved.
3. There are no material exterior alterations to the structures on the site, except for signage.
4. The new use complies with the parking requirements under these Regulations.

Article II

3.2 B-C-Long Hill Green and Town Hall Node (Business/Residential)

The purpose of this zone is to provide business, commercial, and multi-family residential uses in the area surrounding Long Hill Green and the area identified as the new Village Commercial Zone in the Town Hall Area Plan as set forth in the 2014 Trumbull Plan of Conservation and Development.

3.2.1 Permitted Uses

Within these areas, no Building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these regulations:

1. Retail business or retail service provided that there shall be no manufacturing in connection therewith except such as is clearly incidental to the conduct of a retail business or service conducted on the premises, including but not limited to, department stores, health clubs, and clothing, grocery, liquor, appliance, jewelry, shoe stores and other similar establishments;

2. Business or professional office, including medical and dental clinics;

3. Bank and financial service;

4. Restaurants, including outdoor dining, but excluding Fast Food Restaurants;

5. Personal service establishments, including but not limited to, laundry or cleaning agency, shoe repair, photographer's or art studio, massage facilities, chiropractic clinics, garment repair, tutoring, dance/karate school, barber shop/beauty parlor and other similar establishments.

3.2.2 Permitted Accessory Uses

The following uses are permitted upon the issuance of Certificate of Zoning compliance in accordance with Article V of these Regulations:

1. Accessory Uses for Principal Uses which are in compliance with the plans and conditions of approval for a Use which has received a Special Permit or Site Plan approval in accordance with these Regulations;

2. Manufacturing or treatment only in connection with a permitted retail or service use, and when clearly incidental to the conduct of a permitted retail business or service conducted on the Premises.

3. Temporary Accessory Sale of Holiday Decorations and Retail Products. Sale of products, including but not limited to holiday or seasonal decorations or products, within any parking field provided that all such temporary sales shall not exceed a period of thirty (30) days, and no flood lights or loudspeakers are utilized.

4. Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety, and welfare.

The following accessory use is allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. Drive-throughs associated with any use in this zone require special permit approval by the Commission.

3.2.3 Special Exception Uses

The following Uses are allowed only by the issuance of a Special Exception by the Zoning Board of Appeals in accordance with Articles VI and XV of these Regulations:

None.

3.2.4 Special Permit

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. Post Offices.

2. Firehouses.

3. Newspapers and job printing.

4. Clubs and fraternal organizations.

5. Gasoline filling stations and garages for the storage and repair of not more than 15 motor vehicles, subject to the following conditions and restrictions:

    a. All automobile repair work, with the exception of emergency work, shall be conducted wholly within a building;

    b. Automobiles shall not be stored or displayed outside of a building;

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

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

    e. No such use shall be located within 1,500 feet of any other such use.

6. Indoor Recreation and Amusement Uses including but not limited to Sports Club, Health Club, Fitness Center, Theater, and Bowling Alley.

7. Day Care Center

8. Private pre-schools, private occupational schools, and private specialized schools providing training in a specific skill such as driving schools, dance studios, martial arts academies, scuba training and other similar training programs. Public and private elementary and secondary schools, colleges and universities shall not be permitted in this zone.

9. Fast Food Restaurant

10. Veterinarian Hospital

11. Dog Day Care

12. Brewery, Brew Pub and Brew Pub/Restaurant

13. Boutique Manufacturing

14. Multi-Family Dwellings

    Multi-family dwellings in this zone may be permitted subject to the following regulations:

    a. Multi-family dwellings shall be limited to no more than 50% of the overall square footage of the development on a parcel of land within this zone. The remaining 50% of development must be devoted to commercial uses of these regulations.

    b. Multi-family dwellings on parcels smaller than 1 acre shall be restricted to upper floors of a development that includes commercial development on the ground floor

    c. Multi-family dwellings on parcels larger than one acre shall be restricted to upper floors of a development that includes commercial development on the ground floor or in a location

behind a commercial development in the same or a separate structure.

d. The maximum allowable residential density shall be 12 units per gross acre.

e. Residential units shall be limited to efficiency (studio), one-bedroom and two-bedroom units. Libraries, dens, studies, offices, lofts and other similar spaces shall be considered to be bedrooms.

f. A minimum of 10% of residential units constructed in this zone shall be restricted to a rent or sales price affordable to residents who earn 80% or less of the area median income. This requirement shall be applicable to all residential developments of 10 or more units.

3.2.5 Bulk (Building Standards)

In addition to the provisions of Article III of the Regulations, the following shall apply:

1. All lots already existing at the same time of the formation of the B-C Long Hill Green and the area identified as the new Village Commercial Zone in the Town Hall Area Plan as set forth in the 2014 Trumbull Plan of Conservation and Development on (SEPTEMBER 13, 2010) provided that, any particular property located in said new Village Commercial Zone in the Town Hall Area Plan shall submit and be approved for a zone change application, and subsequently incorporated into that zone will be treated as buildable lots in terms of minimum lot frontage and minimum acreage.

2. Maximum Building Coverage shall not exceed 40% of the total site available for such use nor shall the Gross Floor Area of any buildings or other structures to be constructed exceed 80% of the total site, excluding any underground parking beneath any building

In instances where the Planning and Zoning Commission makes a discretionary determination that development of a specific property in a traditional, pedestrian oriented manner and/or creation of a village atmosphere requires or would benefit from a greater coverage and/or floor area ratio and that the resulting development would be compatible with adjacent land uses, and that the a proposed development would not create traffic or safety

problems, the permitted Maximum Building Coverage may be increased to a maximum of 50% of the total site area and the Gross Floor Area of any buildings to be constructed may be increased to a maximum of 100% of the total site.

3. No building in this zone shall exceed 35 feet in height.

4. There shall be a minimum 50 foot buffer between any structure to be constructed in this zone and any residential zone and a 25 foot buffer between any structure to be constructed in this zone and any other zone. In instances where the Planning and Zoning Commission makes a discretionary determination that development of a specific property in a traditional, pedestrian oriented manner and/or creation of a village atmosphere requires or would benefit from a reduction or elimination of these buffer requirements, they may be reduced or waived.

5. Buildings shall be set back a minimum of 15 feet from the edge of a public roadway and a minimum of 10 feet from a public sidewalk. In instances where the Planning and Zoning Commission makes a discretionary determination that development of a specific property in a traditional, pedestrian oriented manner and or creation of a village atmosphere requires or would benefit from a reduced or no front yard setback and that the resulting development would be compatible with adjacent land uses, and that a proposed development would not create traffic or safety problems, the front yard setback requirements may be reduced or waived.

6. Screening of commercial and residential uses within this zone and surrounding uses with landscaping or a varied rolling berm a minimum of 20 feet in width shall be required as specified by the Planning and Zoning Commission in consultation with the Town Planner. In instances where the Planning and Zoning Commission makes a discretionary determination that development of a specific property in a traditional, pedestrian oriented manner and or creation of a village atmosphere requires or would benefit from a reduced or no buffering or screening, that the resulting development would be compatible with adjacent land uses, and that a proposed development would not create traffic or safety problems, these screening and buffering requirements may be reduced or waived.

3.2.6 Design Guidelines

All new development in this zone shall be compatible in terms of materials, building siting, architecture and landscaping with surrounding development. Achieving compatibility does not require that the style or materials used must mimic those of adjacent buildings. Dwelling unit facades shall be designed to avoid a barracks or dormitory appearance. Staggered or off-set unit facades and/or varied unit façade materials should be utilized.

3.2.7 Provisions for Vehicles

Except as expressly provided otherwise for particular uses, any Use within this zone shall provide sufficient parking which reasonably accommodates the nature and purpose of the use proposed. The Commission shall consider the parking generation rates published by the Institute of Traffic Engineers. On street parking shall not be equated into the total number of required parking spaces for a proposed development. Parking shall be in accordance with Article IV of these Regulations. Any proposed Public Parking Garage shall be constructed in a style, manner, size and location on the lot which is in conformity with other buildings and structures on the lot and which does not detract from other improvements on the site. On-site parking areas shall be planted with trees (size and species as recommended by the Town Planner) with at least one (1) tree for each seven (7) off-street parking spaces. Parking spaces adjacent to residential properties shall be screened with landscaped buffers as recommended by the Town Tree Planner.

Refer to Article IV for parking calculation

Parking garages shall be limited to two levels, a ground level and a deck or below ground level. No retail usage shall be located below any parking level.

- ❖ If there is a proposed change of use in an approved application this will require review from staff to determine if the existing amount of parking meets current standards. If it does not meet current standards then a site plan modification is required from the Planning and Zoning Commission

3.2.8 Signs

Signs shall be in accordance with Article XIII of these Regulations, except that setbacks for ground signs shall be consistent with other setback provisions of this section, and, in addition, the following:

1. Single Use Parcels. For single use parcels (or those uses which have one predominant use), a single exterior sign advertising the principal business conducted on the premises shall be allowed, provided that such sign shall be of such size and design and located in such manner as the Commission shall specify with due regard to the requirements, conditions and limitations set forth below:

a. Height of all Sign Faces shall be limited to five (5) feet. Ground Signs may be placed on supports so as to elevate the sign for visibility. Under no circumstances may the top of any Ground Signs be above the roof line of the building or ten (10) feet, whichever is less;

b. Support materials for a Ground Sign shall be consistent with the external materials used in the building, that is, of similar color and texture as the external materials used in the building consistent with the needs for support materials;

c. Lighting of the sign may be indirectly or directly illuminated. Lighting must be such that no direct light shines towards a residential structure within line of sight;

d. Ground Signs shall be located at least ten (10') feet behind the Front Lot Line and shall mot obstruct line of sight visibility. If there is a landscape buffer, the sign, if located within the landscape buffer shall be within ten (10) feet of the end of the landscape buffer nearest the building;

e. The total area of all signs shall not exceed one square foot for each linear foot of building frontage. Buildings which are set back a minimum distance of 80 feet from the public right-of-way shall be allowed a sign area not to exceed 1.5 square feet for each linear foot of building frontage;

f. Lettering for the sign shall be of appropriate size. The background of the sign, if a different color from the lettering, shall count as one color;

g. Sign content shall be limited to identification of building and/or principal tenant. No more than one tenant may be identified on a sign for property. No directory of tenants may be considered for signs;

h. For Ground Signs, the base area of the sign shall be landscaped consistent with the overall site plan for the parcel. It is the goal to landscape the base area of the sign with plants and greenery so as to soften the appearance of the sign.

2. Multiple Use Parcels. Where a particular parcel has multiple uses, tenants or owners, the following sign shall be allowed, provided that such sign shall be of such size and design and located in such manner as the Planning and Zoning Commission shall specify with due regard to the requirements, conditions and limitations set forth below: One sign per entrance to the parcel, individual signs for major tenants to be affixed to the building and individual signs for each entrance to the building. Any new

development in this zone shall submit a unified signage plan as part of the application for approval.

a. Entrance signs shall identify the parcel and not any single tenant. These signs shall follow all of the rules stated above for single use parcels; the maximum sign area shall be 100 square feet;

b. Individual signs for major tenants must be located upon the building surface and shall follow all of the rules stated above for single use parcel signs affixed to a building. Size of the sign shall be one (1) square foot per each linear foot of building frontage.

c. Located at any entrance to the building, there may be affixed a sign to the building to identify the entrance. Such identification can include the names of the tenants. Such signs shall be limited to twenty-five (25) square feet;

d. Notwithstanding anything above, no signs shall be allowed, except the entrance signs, which have light pollution beyond the boundaries of the property.

3.2.9 Lighting

1. Exterior Lighting shall be in accordance with the provisions of Article IV and, where used, shall enhance public safety, the building design and the landscape features.

2. Lighting shall be restrained in design and excessive brightness avoided.

3.2.10 Additional Special Regulations

1. Rooftop HVAC Equipment. All rooftop structures and all rooftop equipment, such as cooling, heating and other mechanical devices, shall be fully screened within architecturally compatible screening which shall be exhibited on a Site Plan to be submitted to and approved by the Commission. Such screening shall prevent the visibility of these units within a radius of 200 feet from ground level. Such structures shall not exceed 30% of a single, contiguous roof area and shall not extend more than ten (10) feet above the roof;

2. Uses to be Within Buildings. All principal uses, except gasoline filling stations, shall be conducted within a completely enclosed building, and the storage and display of materials, vehicles, merchandise or equipment between the street line and the front wall of any building is prohibited. Outside storage of goods, materials, work in process, finished products, trash, rubbish or other material or equipment, including trucks or other commercial vehicles used on the premises, shall be in a suitably screened area to reasonably prevent their view from adjacent zones or roadways. The Commission may approve outdoor use for such uses as outdoor dining, cafes or other appropriate outdoor uses;

3. Preservation of Existing Topography and Vegetation. Development of the site shall retain, as nearly as practicable, existing topographic contours. Specimen trees and other existing vegetation within the buffer areas or as required in parking areas shall be protected during construction. Where the buffer is adjacent to a residential zone, the Commission may require additional screening, including evergreen plants with at least one tree for each ten (10) feet of buffer length. It is the objective of the buffer zone to provide, as nearly practical, a year-round screen so as to hide the commercial buildings and parking from view of the neighboring lots. Pursuant to this, the Commission may require berms, evergreen plants and/or erection of screens.

3.2.11 Modifications to Existing Approval

A new special permit or new site plan approval, as the case may be, shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission, provided that:

1. The new use is permitted within the zone.

2. In the case of a special permit use, the new use is permitted within the zone and is a use similar to the one previously approved.

3. There are no material exterior alterations to the structures on the site, except for signage.

4. The new use complies with the parking requirements under these Regulations.

Article II

3.3 Village Retail Overlay Zone

The purpose of this zone is to provide neighborhood – serving retail services and Business locations in certain area of Madison Avenue. The area to be included within this zone shall be Madison Avenue from Chestnut Hill Road to Chatfield Street. Within the area, no parcel shall be eligible for inclusion within this zone unless it has a minimum lot area of .75 acre and frontage on Madison Avenue of 200 '. Within this zone no Building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified purposes.

3.3.1 Permitted Uses

None.

3.3.2 Special Exception Uses

The following Uses are allowed only by the issuance of a Special Exception by the Zoning Board of appeals. In accordance with Article VI and XV of these Regulations:

None.

3.3.3 Special Permit

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. A retail business or retail service use including but not limited to those on the list occupation listed below, provided that there shall be no manufacturing or treatment in connection therewith, except such as is clearly incidental to the conduct of a retail business or service conducted on the premises:

a. The sale of any kind of food, including pastries and confections; (drive through service shall not be permitted)

b. Books, newspapers, periodicals or stationery;

c. Florist shop;

d. Gift shop;

f. Antiques;

g. Jewelry;

h. Shoes and shoe repairing;

i. Home goods and furnishings;

j. Photographer's studio, yoga studio, artist studio and art galleries;

k. Barber shop, beauty parlor, day spa;

l. Clothing and related lines;

m. Restaurants, without drive thru. See 3.3.6.4 for seasonal outdoor dining;

m. Business and professional offices.

n. Bank, without drive thru.

3.3.4 Bulk (Building Standards)

In the Village Retail Overlay District, the following shall apply:

1. Maximum Building Coverage shall not exceed 30% of the total site available for such use nor shall the Gross Floor Area of any buildings or other structures to be constructed exceed 50% of the total site.

2. No building in this zone shall exceed 35 feet in height.

3. Second story shall not exceed 2/3 size of first story, as measured by gross square footage.

4. Setbacks – Front 50'
   Side 50'
   Rear 30'

5. Minimum Landscape Area Requirements (MLA)

   The area of the lot devoted to pervious landscaping will not be less than 25%. In the event that the Commission permits landscaping in the public realm with associated maintenance agreement, 50% of said area may be counted towards the MLA.

For purposes of this Section, pervious landscaping will consist of any of the following or combination thereof: grass, ground cover, vines, shrubs, hedges and trees.

3.3.5 Design Guidelines

All new development in this zone shall be compatible in terms of materials, building siting, architecture and landscaping with surrounding development. Achieving compatibility does not require that the style or materials used must mimic those of adjacent buildings. Staggered or off-set unit facades and/or varied unit façade materials should be utilized. Applicants should consult the advisory Design Guidelines developed by the Commission.

Sidewalks that meet ADA requirements shall be required along the frontage of all building lots in the zone. Sidewalks shall be set back from the curb by at least 2 feet.

3.3.6 Provisions for Vehicles

Except as expressly provided otherwise for particular uses, any Use within this zone shall provide sufficient parking which reasonably accommodates the nature and purpose of the proposed use. On-street parking is prohibited. On-site parking areas shall be planted with trees (size and species as recommended by the Town Tree Warden) with at least one (1) tree for each twelve (12) off-street parking spaces. Parking adjacent to residential properties shall be screened with landscaped buffers. Specific parking requirements within this zone shall be as follows:

Refer to section 5 for parking calculation

- If there is a proposed change of use in an approved application this will require review from staff to determine if the existing amount of parking meets current standards. If it does not meet current standards then a site plan modification is required from the Planning and Zoning Commission

3.3.6.1 Business and Professional Offices

One (1) space for each two hundred and fifty (250) gross square feet of Floor Area. Medical office shall meet the parking requirements of retail stores and banks (3.3.6.2)

3.3.6.2 Retail Stores and Banks

One (1) space for each two hundred (200) square feet of Gross Floor Area.

3.3.6.3 Restaurants

One (1) space for every forty (40) square feet of Patron Floor Area.

3.3.6.4 Seasonal Outdoor Dining

Full service restaurants 2,000 gross square feet or greater may provide up to 250 sq. ft. of seasonal outdoor dining space without providing additional parking. Beyond 250 sq. ft., additional parking must be provided at the rates outlined in 3.3.6.3. Other retailers may provide a single row of small metal or wood tables and chairs in front walkway area so long as this seating does not obstruct pedestrian movement or ADA access and does not extend beyond the frontage of that particular retailer. All such furniture, for both restaurants and other tenants, must be removed/stored in inclement weather months, generally November 1 through April 1.

3.3.6.5 Bicycle Parking

Permanently fixed bicycle stations shall be provided, minimum capacity 6 bicycles.

3.3.7 Signs

1. Entrance signs shall identify the parcel and not any single tenant. These signs shall follow all the rules stated above for single use parcels; the maximum sign area shall be 40 square feet. The entrance sign maybe located on the front lot line and a minimum of fifteen (15) feet from any other lot line.

2. Unified Signage Plan for Tenant Signage – Applicant shall submit a unified sign design plan for approval by the Planning & Zoning Commission. Signs on multi-tenant buildings shall be of the same general type, character, size and relative location so as to provide a harmonious design. A sign design plan shall be prepared by a qualified sign designer, graphic artist, or architect, and shall include all proposed sign locations and designs including method of mounting, method of lighting, height, length, depth, and position on walls. The plan shall include a drawing showing the sign(s) dimensioned and to scale on the façade of the building(s) it will be attached to. The sign plan must be consistent with all other elements of the signage regulations contained in this Section and Article XIII. Once a unified sign plan is approved by the Planning

& Zoning Commission, substitutions that remain consistent with the originally approved sign plan may be approved administratively by the agent of the Planning & Zoning Commission. Any significant deviations from the plan must return to the Planning & Zoning Commission for review.

3. The following types of sign will be accepted:

a. Wood or composite carved and painted signs with adequate wall wash lighting in appropriate style to complement village lighting style;

b. Solid-color awnings with lettering (not graphics) as follows:

(a). awnings to be constructed of fabric or canvas

(b). lettering size not to exceed 25% of awning height or 50% of

width of awning

c. A combination of awning and signage will be allowed providing it is in correct proportion of building façade

d. Internally illuminated signage not permitted

4. The total area of all building wall signs for each tenant shall not exceed one square foot for each linear foot of the front of the building, or 60 total square feet, whichever is smaller. The front of the building shall be defined as the longest building wall which faces directly onto a street. Wall Signs may be placed on any side of the building that faces the street.

5. Attached signs shall not protrude more than 12” from the building façade.

6. Signs may be illuminated by external spot light. External spot lights should be directed to minimize light shed onto or beyond the building façade. Internal illumination of signage is not permitted. In accordance with Article XIII, any method of illumination that shows the bulb (such as neon) is not permitted.

7. Notwithstanding anything above, the Commission may limit or prohibit the size, location or illumination of any sign deemed to be visible to a residential zone or structure within 1,000 feet of the Retail/ Business Center.

3.3.8 Lighting

1. Exterior Lighting shall be in accordance with the provisions of Section 4.2 and where used, shall enhance public safety, the building design and the landscape features.

2. Lighting shall be restrained in design and excessive brightness avoided.

3. Parking lot lighting to be addressed with building fixtures and minimal height poles and/or bollards of traditional design consistent in character with the proposed building and neighborhood, not to exceed twelve (12) feet in height.

4. All exterior lighting, both pole-mounted and building-mounted, shall be certified dark sky compliant. Spot lights for signage do not have to be dark sky complaint but light pollution/trespass should be minimized.

3.3.9 Additional Special Regulations

1. Rooftop HVAC Equipment. All rooftop structures and all rooftop equipment, such as cooling, heating and other mechanical devices, shall be fully screened on all sides within architecturally compatible screening which shall be exhibited on a Site Plan to be submitted and approved by the Commission. Such screening shall prevent the visibility of these units within a radius of 200 feet from ground level. Such structures shall not exceed 30% of a single, contiguous roof area and shall not extend more than ten (10) feet above the roof;

2. Uses to be Within Buildings. All principal uses shall be conducted within a completely enclosed building, and the outdoor storage of materials, work in process, trash, rubbish or other material or equipment, between the street line and the front wall of any building is prohibited. Fences and Walls: Maximum allowable fence height shall be 2’ higher in all instances than the provisions outlined in Article I Section 5.2.

3. Outdoor Amplification/Performance: Outdoor speakers are prohibited for all uses/tenants. Amplification systems for music, speeches, etc. are prohibited for all uses/tenants. Acoustic music or other entertainment must be in conjunction with and accessory to dining at full-service restaurants

4. Preservation of Existing Topography and Vegetation. Development of the site shall retain, as nearly as practicable, existing topographic contours. Specimen trees and other existing vegetation within the buffer areas or as required in parking areas shall be protected during construction. Where the buffer is adjacent to a residential zone, the Commission may require additional screening, including evergreen plants with at least one tree for each ten (10) feet of buffer length. It is the objective of the buffer zone to provide, as nearly practical, a year-round screen so as to hide the commercial buildings and parking from view of the neighboring lots. Pursuant to this, the Commission may require berms, evergreen plants and/or erection of screens.

Article II

3.4 Mixed-Use Design District (MDD)

3.4.1 Purpose

The purpose of the MDD zone is to:

1. Facilitate an appropriate mix of commercial, retail, residential, entertainment, and dining uses in a location close to a limited access highway or arterial road.
2. Create an environment that is comfortable and interesting to local residents and visitors as a place to live, play, shop, work, and socialize.
3. Insure the continued vitality and viability of large-scale retail spaces by the introduction of compatible and appropriate uses that also maintain the integrity of nearby neighborhoods.

3.4.2 Permitted Uses

Within the MDD Zone, no building or structure shall be erected, altered, occupied, or used, arranged or designed to be used for other than one or more of the following specified uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations:

1. Retail business or retail service provided that there shall be no manufacturing in connection therewith except such as is clearly incidental to the conduct of a retail business or service conducted on the premises, including but not limited

to department stores, personal services, health clubs, and clothing, grocery, liquor, appliance, jewelry, and shoe stores.

2. Business or professional office, including medical and dental clinics;
3. Bank and financial service;
4. Restaurants, including outdoor dining;
5. Personal service establishments, including but not limited to, laundry or cleaning agency, shoe repair, photographer's studio and/or barber shop/beauty parlor;
6. Movie or live theater;
7. Indoor recreation and amusement;
8. Art galleries and museums;
9. Daycare Center (adult only);
10. Brewpub restaurants.

3.4.3 Permitted Accessory Uses

The following uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Article V of these Regulations:

1. Accessory Uses for Principal Uses, including drive-throughs, which are in compliance with the plans and conditions of approval for a Use which has received Site Plan approval or a Special Permit in accordance with these Regulations. Notwithstanding anything to the contrary herein, any drive-through window shall require Special Permit approval by the Commission and shall be located a minimum of 500' from Main Street or Madison Avenue.
2. Manufacturing or treatment only in connection with a permitted retail or service use, and when clearly incidental to the conduct of a permitted retail business or service conducted on the Premises.
3. Temporary Accessory Sale of Holiday Decorations and Retail Products. Sale of products, including but not limited to holiday or seasonal decorations or products, within any parking field provided that all such temporary sales shall not exceed a period of thirty (30) days, and no flood lights or loudspeakers are utilized.
4. Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal

use, and that will not be hazardous to the public health, safety, and welfare.

3.4.4 Special Permit Uses

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

1. Hotels and conference centers;

2. Age restricted residential developments with a minimum 10 % affordable units that are restricted to a rent or sale price that is affordable to residents who earn 80% or less of the area median income (AMI) and to the following:

    a. Age restricted residential shall be deemed to mean a housing development in which one hundred percent (100%) of the dwelling units will be held or conveyed by deeds containing covenants and restrictions which shall require that such dwelling units be owned and occupied exclusively as a single-family residence by at least one person who is fifty-five (55) years of age or older, provided however, that the surviving spouse of a person may remain in occupancy of a dwelling

    b. residential units with three (3) or more bedrooms are prohibited;

    c. 20 to 40 units per acre in areas identified for parcels for senior housing development as defined by Trumbull Mall Area Market Feasibility and Land Use Study or subsequent areas defined by the Planning and Zoning Commission;

    d. residential units shall be rented to one "family" as that term is defined in these Regulations;

    e. each unit shall have the minimum square footage permitted by law and a maximum of 1,400 square feet; and

    f. dens, office or similar separate rooms shall not be permitted; however, this does not prohibit separate living areas without dividing or fin walls.

    g. useable amenity area or active recreation areas shall be provided which may include, but shall not be limited to, swimming pools and recreational facilities and buildings;

h. outdoor playground equipment, swing sets, and similar items are specifically prohibited;

i. all new development shall be compatible or exceed the quality of the surrounding development in terms of material, building siting, architecture and landscaping. Staggered offset unit facades and/or varied unit facade materials should be utilized. The exterior building material, color, roof-line and building elevations shall be residential in character. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any outer façade of the building. Pitched roofs are preferred. All rooftop utilities or other equipment shall be concealed from view; and

j. a report analyzing impact on municipal services shall be submitted simultaneously with any Special Permit application for any age-restricted residential use.

3. Private schools, occupational schools, and educational facilities;

4. Gasoline filling stations with no vehicle repair, provided that any building, structure, or pump associated with such gas station shall be located a minimum of 500 feet from Main Street, Madison Avenue and any residential structure;

5. New automobile showrooms excluding exterior storage of vehicle inventory;

6. Day care center;

7. Regional medical centers, ambulatory surgery centers, hospitals, long or short term medical care facilities.

3.4.5 Site Plan approval

For the uses set forth in Section 3.4.2 shall be required only for the initial construction of that use, such that the conversion from any approved use to any other permitted use set forth in Section 3.4.2 within an existing building shall not require a new Site Plan approval.

Special Permit approval for the uses set forth in Section 3.4.4 shall be required for the initial construction of that use, however, the conversion from any approved use to a new owner, operator or tenant with the same or similar use within an existing building shall not require a new Special Permit.

For the avoidance of doubt, any multi- family residential use must receive Special Permit approval.

Notwithstanding anything to the contrary herein, whenever there is an increase or decrease in the square footage of an existing structure in the MDD Zone, then a new Special Permit and/or Site Plan approval, applicable, shall be required regardless of any prior approval for the existing use. Any new structure should be compatible with the vision and goals of the Trumbull Mall Area Market Feasibility and Land Use Study as confirmed by the Town Planner.

3.4.6 Bulk Restrictions and Design Requirements

1. The minimum size of the MDD zone shall be 80 contiguous acres. Separate parcels within the MDD zone are permitted to exist provided that any such parcel and its proposed use within the MDD zone must have a minimum lot size of 2 (two) acres and be consistent with the Trumbull Mall Area Market Feasibility and Land Use Plan. The creation of a separate parcel within the MDD zone requires approval by the Commission.

2. Building Coverage in the MDD shall not exceed 50% of the total site. The Gross Floor Area of any buildings or other structures shall not exceed 100% of the total site. Any parking garage located beneath a building or as a separate structure shall not be included in calculating maximum Lot Coverage or maximum Gross Floor Area under these Regulations. The maximum impervious coverage in the MDD zone shall be 85%.

3. The maximum height of any building or structure in the MDD shall be 65 feet.

4. There shall be a minimum 25-foot wide landscaped buffer located at the property line abutting any single-family house in a Residential zone. Other than as set forth above, landscaped buffers shall be required at any property line abutting a public road or highway for aesthetic, safety and/or complete screening purposes as determined by the Commission.

5. No building shall be located less than 50 feet from a state road or highway provided that any portion of a building setback between 50 feet and 100 feet from the state road or highway (the "Secondary Setback") shall be no greater than 95 feet wide. No more than two such buildings may be located within the Secondary Setback. No building shall be located less than 50 feet from any other public street, or less than 100 feet from a residential zone boundary.

6. In order to ensure the cohesive integration of any multi-family residential developments into the overall development within the zone, vehicular and

pedestrian means of access shall be provided as follows. At least two means of vehicular access shall be provided to and from such residential development and the balance of the zone. Pedestrian connections between any multi-family residential development and the balance of the zone shall be provided in a meaningful manner that ensures the safety of pedestrians, including, but not limited to, traffic calming devices, crosswalks, pedestrian bridges, elevated greenways, and stamped pavement.

7. Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Commission. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town staff to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

   Site plans that demonstrate commitment to the goals established in the open space plan documented in the Trumbull Mall Area Market Feasibility and Land Use Plan, as confirmed by the Town Planner, shall receive consideration by the Planning and Zoning Commission and at the discretion of the Commission, receive relief from landscape provisions specifically related to the character and appearance of proposed landscape.

3.4.7 Provisions for Vehicles

Any use or combination of uses within an MDD shall provide sufficient parking which reasonably accommodates the nature and purpose of the uses proposed. A shared parking approach shall be permitted and encouraged as a means to reduce the total parking supply that would otherwise be required. Shared parking takes advantage of variation in the periods of maximum usage among different

land uses, allowing different land uses to share the same given parking spaces if they have different time-of-day or day-of-week usage patterns.

Any proposed parking structure shall be constructed in a style, manner, size and location on the lot which is in conformity with other buildings and structures on the lot and which does not detract from other improvements on the site. To offset impact of surface parking at least one (1) tree or financial equivalent for every twenty (20) off-street surface parking spaces shall be provided in open spaces areas identified in the Trumbull Mall Area Market Feasibility and Land Use Plan as confirmed by the Town Planner.

Parking garages may be located beneath buildings or as separate structures.

Designated parking spaces must be submitted with a site plan which may include parallel parking spaces on private internal drives.

Age restricted housing units shall be parked at a minimum ratio of 1.5 spaces per unit regardless of the number of bedrooms.

3.4.8 Signs

In the event of a conflict between the provisions of this and any other regulation, including but not limited Article XIII, this section shall govern. The purpose of this section is to enhance the visual aspect of retail developments, creating excitement through a variety of signage types while maintaining a high level of control over the quality of signage implemented.

a. Individual signs for tenants whose leased premises include an exterior entrance (“Tenant Signs”) must be located on the building surface. The size of Tenant Signs shall be the larger of (i) one (1) square foot per 1,000 square feet of leased space to the tenant, or (ii) thirty (30) square feet. Signs may be no more than three colors. Signs may be divided up into multiple signs up to one (1) sign for each 50,000 square feet of leased area. The Commission may permit a total of 140 square feet of signage in the case of a tenant whose leased premises include an exterior entrance and where all such signs are located more than 500 feet from any residence in a residential zone. Such signage may consist of wall or blade signs. Signs shall be illuminated only while the tenant is open for business.

b. Signs identifying the property owner/landlord may be located at each exterior entrance into the common area of the retail building (“Entrance Signs”). Such Entrance Signs may be located on the building surface or may be placed above or below a canopy that extends out from the building surface. In no case, however, shall

an Entrance Sign extend above the height of the building. Such Entrance Signs may be internally or externally illuminated and shall not exceed 140 square feet.

c. In addition to Entrance Signs, two (2) additional visual graphics panels may be located adjacent to each exterior entrance into the common area of the retail building ("Visual Graphics Panels"). Such Visual Graphics Panels shall be located so as to be visible primarily to those utilizing a specific entrance. Visual Graphics Panels shall be located on the building surface and each shall not exceed a total of 140 square feet. Visual Graphics Panels may utilize LED, plasma, digital media, or other similar technologies and shall not be considered Flashing Signs or Moving Signs under these Regulations. Visual Graphics Panels shall not be accompanied by any audio.

d. Signs for tenants occupying the entirety of a free-standing building no less than 30,000 square feet shall be located on the building surface. The size of all such signage shall be no greater than one (1) square foot per one hundred thirty (130) square feet of leased space. No more than three (3) wall signs are permitted, no one sign may exceed 140 square feet, and the largest sign shall be located above the building entrance. Signs shall be illuminated only while the tenant is open for business. In the event of 24 hour operation, illumination for all signs shall be extinguished between the hours of 11:00 PM and 5:00 AM with the exception of the one sign located at the entrance which may remain illuminated.

e. Directional signage may be located on the property for way-finding purposes only. The text of such signage shall be limited to identifying the location of major tenants, site features, or exits, and no other messages are permitted. Such signs may not exceed eight (8) feet high and six (6) feet wide, and shall be set back from any front property line a minimum distance of one hundred (100) feet. The text of such signs may be internally illuminated.

b. Entrance ground signs identifying the property owner/landlord and anchor tenants are permitted along any front property line. No setback is required provided it is demonstrated that adequate sight lines are maintained for exiting traffic. The maximum height of such signs shall be twenty-one (21') feet and the maximum size of the size area shall be one hundred (100) square feet, which may include a readerboard no greater than thirty-two (32) square feet. The maximum sign area may be doubled for two-sided entrance ground signs where the sides are back to

back. The base of the sign shall be landscaped consistent with the overall site plan for the parcel.

c. In no event shall any wall sign be permitted that is more than forty five (45') feet high from grade.

3.4.9 Master Plan Requirement

The Trumbull Mall Area Market Feasibility and Land Use Plan, as adopted and amended from time to time, is the prevailing Master Plan for the MDD district and serves as the development framework for the entire zone. Demonstrated alignment with the Master Plan will be required as new development applications are presented for the zone which either (i) increase square footage greater than five (5) percent of the total Gross Floor Area within the zone as outlined in the Master Plan at full build; or (ii) create a separate parcel within the zone. Any future revisions to the Master Plan would require a public hearing and approval by the Commission.

Article II

3.5 Mixed-Use Overlay Zone in Commercial Zone B-C

3.5.1 Statement of Purpose

It is the intent of this regulation to enhance the vitality and cohesion of designated areas by allowing for mixed-used development including commercial uses with rental or ownership housing opportunities in an aesthetically pleasing community for individuals and households, including singles, couples, empty-nesters, and others, who, for reasons of cost or lifestyle, choose not to reside in a single-family house. A mixed-use development is intended to blend multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one location, where those functions are to some degree physically and functionally integrated.

3.5.2 Location

For purposes of this regulation, the Mixed-Use Overlay Zone may be applied to properties zoned Commercial B-C and located on parcels of land with Lot Frontage and direct traffic access on Route 25 north of its intersection with Spring Hill Road.

3.5.3 Requirements

a. Except as otherwise stated in this regulation, any development must comply with all of the requirements of the Commercial Zone B-C regulation, Article II Section 3.1.

b. Multi-family dwellings shall be permitted provided that units are restricted to upper floors of a development that includes commercial development on the ground floor except for any lobby, access, or amenity area to the multi-family dwelling use.

c. The maximum allowable residential density shall be 12 units per gross acre.

d. Residential units shall be limited to efficiency (studio), one-bedroom and two-bedroom units.

e. A minimum of 10% of residential units constructed in this zone shall be restricted to a rent or sales price affordable to residents who earn 80% or less of the area median income. This requirement shall be applicable to all residential developments of 10 or more units.

f. The standards in this regulation, including 3.1.5 Bulk (Building Standards), shall consider the entire property, including properties which may partially be located within Trumbull and another town, to calculate

residential density, maximum building coverage, maximum gross floor area and minimum lot size.

3.5.4 Application Procedure

An application to apply the Mixed-Use Overlay Zone must include an application for a Special Permit in accordance with Article XV of these Regulations. The Commission may approve a petition to apply the Mixed-Use Overlay Zone if it conforms to the purposes set forth in this regulation.

Article II

3.6 Trumbull Center Mixed-Use Overlay Zone in Commercial Zone B-C

3.6.1 Statement of Purpose

It is the intent of this regulation to enhance the vitality and cohesion of designated areas by allowing for mixed-used development including commercial uses with rental or ownership housing opportunities in an aesthetically pleasing community for individuals and households, including singles, couples, empty-nesters, and others, who, for reasons of cost or lifestyle, choose not to reside in a single-family house. A mixed-use development is intended to blend multiple uses, such as residential, commercial, cultural, institutional, or entertainment, into one location, where those functions are to some degree physically and functionally integrated.

3.6.2 Location

For purposes of this regulation, the Trumbull Center Mixed-Use Overlay Zone may be applied to properties zoned Commercial B-C and located on parcels of land with a minimum lot size greater than five (5) acres with road frontage and direct traffic access to both White Plains Road (Route 127) and Daniels Farm Road.

3.6.3 Requirements

a. Except as otherwise stated in this regulation, any development must comply with all of the requirements of the Commercial Zone B-C regulation, Article II Section 3.1.

b. Multi-family dwellings shall be permitted provided that units are restricted to upper floors of a development that includes commercial development on the ground floor except for any lobby, access, or amenity area to the multi-family dwelling use.

c. The maximum allowable residential density shall be seven (7) units per gross acre.

d. Residential units shall be limited to efficiency (studio), one-bedroom and two-bedroom units.

e. A minimum of 10% of residential units constructed in this zone shall be restricted to a rent or sales price affordable to residents who earn 80% or less of the area median income. Said affordable units shall be designated age-restricted to residents fifty-five years old or older unless otherwise prohibited by state or federal law.

f. The height of any building containing multi-family dwellings may be up to a maximum of five (5) stories or sixty-five (65) feet, provided that the

Planning and Zoning Commission finds that the proposed development has sufficient accessible public outdoor spaces to create a sense of place as further required by subsection (h).

g. The buffer of any mixed-use building containing multi-family dwellings from a property line or any other zone shall be forty (40) feet.

h. All new developments in this zone must incorporate accessible public outdoor spaces to create a sense of place that encourages informal gatherings for people to stay longer and create an active town center. Such accessible public outdoor spaces may include, but are not limited to, a pocket park, central green or other additional gathering spaces. Accessible public outdoor spaces along the Pequonnock River should be incorporated in mixed-use developments to the extent possible.

i. Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped as approved by the Commission. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Planner to review and make comments and recommendations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

j. All utilities servicing the buildings shall be placed underground. All rooftop utilities or other equipment shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors.

k. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.

l. Interior fit outs of residential units should include high quality finishes like granite countertops, upgraded appliances, and upscale lighting fixtures.

m. All new developments in this zone shall be compatible with or exceed the quality of the surrounding development in terms of materials, building siting, architecture, and landscaping. Exterior elevations should have staggered or off-set facades and varied façade materials are preferred. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any other façade of a building.

n. In accordance with the provisions of Public Act 21-29 with respect to navigable waterways draining to Long Island Sound, all new developments in this zone must demonstrate that the proposed development considers the environmental impact on Long Island Sound.

o. A photometric plan shall be submitted demonstrating no light pollution outside of the property and be approved by the Commission.

p. A traffic study and parking analysis shall be submitted with any application for new development and the Commission reserve the right to retain an independent third-party traffic study and parking analysis at the expense of the applicant.

q. No antenna shall be placed on the property without obtaining special permit approval by the Planning & Zoning Commission.

3.6.4 Application Procedure for Zone Change

An application for a zone change to the Trumbull Center Mixed-Use Overlay Zone must include the following:

a. An application for a Special Permit with accompanying Site Plan in accordance with Article XV of these regulations.

b. A written statement describing how the proposal (i) complies with the purposes set forth in Section 3.6.1 of these regulations and (ii) takes into consideration the recommendations of the Trumbull Center Corridor Improvements Study presented to the Commission in 2022.

c. Final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

d. Final approval from the Trumbull Water Pollution Control Authority for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

e. Final approval from the Trumbull Police Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

The Commission may approve a petition to change the zone to the Trumbull Center Mixed-Use Overlay Zone if it conforms to the purposes set forth in this regulation.

With respect to any standard or guideline established by this Section, the terms of this regulation shall supersede, or in the event of any conflict over, any other provision established by these Regulations.

Article II

3.7 Main Street Service Zone

The purpose of the Main Street Service Zone (MSS) is to foster the renovation and rehabilitation of existing parcels occupied or previously occupied by nonconforming motor vehicle uses, including gasoline filling stations and motor vehicle repair uses.

3.7.1 Permitted Uses

Within the Main Street Service Zone, no Building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2. of these Regulations:

1. Gasoline filling stations and associated convenience stores, subject to the following conditions and restrictions:

    a. the Principal Use is located on a property containing a pre-existing nonconforming gasoline filling station or garage for the storage and repair of motor vehicles

3.7.2 Permitted Accessory Uses

1. Accessory Uses for Principal Uses which are in compliance with the plans and conditions of approval for a use which has received a Special Permit or Site Plan approval in accordance with these Regulations.
2. Other accessory buildings or uses which are clearly subordinate and customarily incidental to and located on the same lot with the principal use, and that will not be hazardous to the public health, safety, and welfare.

3.7.3 Special Exception Uses

The following Uses are allowed only upon the issuance of a Special Exception by the Zoning Board of Appeals in accordance with Articles VI and Article XV of these Regulations.

None.

3.7.4 Special Permit

The following Uses are allowed only upon the issuance of a Special Permit by the Commission in accordance with Article XV of these Regulations:

None.

3.7.5 Bulk (Building Standards)

Notwithstanding other provisions of the Zoning Regulations, the following parameters and controls shall govern the development of a site in the Main Street Service Zone.

1. Building and Lot Coverage. Maximum Building Coverage shall not exceed 20% of the total site available for such use, nor shall the Gross Floor Area of any buildings or other structures to be constructed exceed 40% of the total site, excluding any underground parking beneath any building. For all lots, the Maximum Lot Coverage shall be 80%.
2. Minimum Lot Size. The minimum lot size shall be 0.5 acres (21,780 sq. ft.).
3. Height and Stories. The maximum height of any principal building shall not exceed 25 feet.
4. Setbacks.
    a. Minimum Front Yard. Buildings shall be set back a minimum of 15 feet from the edge of a public roadway and a minimum of 10 feet from a public sidewalk.
    b. Minimum Side and Rear Yards. Buildings shall be set back a minimum of 5 feet from any side or rear property line.
    c. Residential Buffer. There shall be a minimum 20-foot-wide landscaped buffer from a property line directly abutting a residential, single-family use in a Residential zone. Existing mature vegetation, if properly located, shall be fully credited in determining compliance with this requirement.

3.7.6 Provisions for Vehicles

Except as expressly provided otherwise for particular uses, any Use within a Main Street Service Zone shall provide sufficient parking which reasonably accommodates the nature and purpose of the use proposed. The Commission shall consider the parking generation rates published by the Institute of Traffic Engineers. On-street parking shall not be equated into the total number of required parking spaces for a proposed development. Parking shall be in accordance with Article IV of these Regulations.

3.7.7 Signs

Signs shall be in accordance with Article XIII of these Regulations, and, in addition, the following:

1. One (1) exterior building wall sign advertising the principal business conducted on the premises shall be allowed, provided that the total area of such sign shall not exceed one square foot for each linear foot of building frontage.

2. A maximum of three (3) exterior signs identifying the principal business and/or gasoline pricing shall be allowed on a gasoline filing station canopy.

3. Signs existing upon the effective date of this Regulation and not conforming to its provisions, or any amendment thereto, shall be deemed nonconforming signs. A nonconforming ground sign may be structurally altered or replaced in its original location. Changes to the content or text of any nonconforming sign are permitted in accordance with Section XIII.4.9.

4. Signs may be indirectly or directly illuminated. Lighting must be such that no direct light shines towards a residential structure within line of sight.

3.7.8 Lighting

1. Exterior Lighting shall be in accordance with the provisions of Article IV and, where used, shall enhance public safety, the building design and the landscape features.

2. Lighting shall be restrained in design and excessive brightness avoided.

3. A photometric plan shall be submitted at the time of application for Site Plan or Special Permit approval.

3.7.9 Additional Special Regulations

1. Rooftop HVAC Equipment. All rooftop structures and all rooftop equipment, such as cooling, heating and other mechanical devices, shall be screened within architecturally compatible screening which shall be exhibited on a Site Plan to be submitted to and approved by the Commission.

2. Uses to be Within Buildings. All principal uses, except gasoline filling stations, shall be conducted within a completely enclosed building. Outside storage of goods, materials, work in process, finished products, trash, rubbish or other material or equipment, including trucks or other commercial vehicles used on the premises, shall be in a suitably screened area to reasonably prevent their view from adjacent zones or roadways. The Commission may approve outdoor uses

such as outdoor dining, limited retail display, or other uses as the Commission deems appropriate.

3. Preservation of Existing Topography and Vegetation. Development of the site shall retain, as nearly as practicable, existing topographic contours. Specimen trees and other existing vegetation within the buffer areas or as required in parking areas shall be protected during construction. Where the buffer is adjacent to a residential zone, the Commission may require additional screening, including evergreen plants with at least one tree for each ten (10) feet of buffer length. It is the objective of the buffer zone to provide, as nearly practical, a year-round screen so as to hide the commercial buildings and parking from view of the neighboring lots. Pursuant to this, the Commission may require berms, evergreen plants and/or erection of screens.

3.7.10 Modifications to Existing Approval

A new Special Permit or new Site Plan approval, as the case may be, shall not be required for interior renovations and modifications for space within a structure previously approved by the Commission, provided that:

1. The new use is permitted within the zone.
2. In the case of a special permit use, the new use is permitted within the zone and is a use similar to the one previously approved.
3. There are no material exterior alterations to the structures on the site, except for signage.
4. The new use complies with the parking requirements under these Regulations.

ARTICLE II

SECTION 4: INDUSTRIAL ZONES

4.1 Industrial Zone I-L (Light Industry - 5 acres), Industrial Zone I-L2 (Light Industry - 2 acres), and Industrial Zone I-L3 (Light Industry - 3 acres)

4.1.1 Permitted Principal Uses:

Within the Industrial Zone I-L (Light Industry – 5 acres), Industrial Zone I-L2 (Light Industry – 2 acres), and Industrial Zone I-L3 (Light Industry – 3 acres), no building or Structure shall be erected, altered, occupied or used, arranged or designed to be used for other than one or more of the following specified uses and only upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations:

1. Business or professional office, including medical and dental office or clinics;
2. Manufacturing, fabrication, processing and packaging operations conducted entirely within an enclosed building;
3. Bank and financial service;
4. Full Service Restaurant, including outdoor dining;
5. Photographic or fine art studios or other similar establishments;
6. Printing and publishing or other similar establishments.

4.1.2 Permitted Accessory Uses

The following uses are permitted upon the issuance of a Certificate of Zoning Compliance in accordance with Article V of these Regulations:

a. Accessory Uses for Principal Uses which are in compliance with the plans and conditions of approval for a Use which has received a Special Permit or Site Plan approval in accordance with these Regulations.

a. Take-out food service as an accessory to a Full Service Restaurant.

b. Retail Pharmacy located within a building that contains medical offices at the time of filing of such certificate of zoning compliance. Such Retail Pharmacy

shall not exceed 2,000 square feet in size and shall not occupy more than ten percent (10%) of the building in which it is located. Access to such Retail Pharmacy shall only come from within said building. No drive-thru window shall be permitted in association with the Retail Pharmacy.

4.1.3 Special Exception Uses

The following Uses are allowed only upon the issuance of a Special Exception in accordance with Article XV of these Regulations:

None.

4.1.4 Special Permit Uses

Permission to use property in the I-L, I-L2 and/or I-L3 Zone shall be obtained by means of Special Permits granted by the Planning and Zoning Commission in accordance with Article XV of these Regulations for the following uses:

Accessory Storage

Brewery/Distillery, Brew Pub and Brew Pub/Restaurant

Catering/Banquet Halls

Day Care Facilities

Dog Day Care

Private Occupational School

Recreational Facilities including limited accessory retail operations accessed from interior

Regional Educational Service Center as defined in CT General Statutes, Section 10-66a, et al providing regional educational services to elementary and high school students

Research Laboratories

Storage, including self-storage

Veterinary Hospitals

Warehousing

4.1.5 Bulk (Building Standards)

a. No parcel of land shall be used for industrial purposes unless it shall consist of at least five (5) acres in the I-L Zone, two (2) acres in the I-L2 Zone and three (3) acres in the I-L3 Zone.

b. Maximum Building Coverage shall not exceed 40% of parcel area.

c. Total Lot Coverage shall not exceed 80%.

d. No building shall be located less than 50 feet from a residential zone boundary, nor less than 25 feet from any other property line.

e. Except as provided in Section 4.1.8, no building shall exceed forty (40') feet in height as measured from the floor level of the first story. Vents, skylights, elevator enclosures and other mechanical rooftops apparatus shall not exceed 30% of roof area and shall not extend more than 15 feet above the roof.

f. Security or reception buildings may be located no less than ten (10) feet from the street line and shall not exceed 15 feet in height.

4.1.6 Provisions for Vehicles

Parking. Any use within an industrial zone shall provide sufficient parking which reasonably accommodates the nature and purpose of the use proposed. The Commission shall consider the parking generation rates published by the Institute of Traffic Engineers. Parking shall be in accordance with Article IV of these Regulations.

4.1.7 Signs

a. Directional Signs. Directional signs may be located at the access driveways for sites, outside of any public road right-of-way and may contain only words such as, “entrance”, “exit”, “do not enter”, arrows, and other similar words or symbols of guidance for

motorists. Such signs shall not exceed two (2) square feet in area, and there shall be no more than one (1) such sign per driveway;

b. Signs mounted on buildings shall not project above roof level;

c. A Ground Sign at least 20 feet from any lot line, displaying the name of the firm or building, shall not exceed one-half square foot for every 1,000 square feet of Gross Floor Area, but not to exceed forty (40) square feet in Sign Area. No such Ground Sign extend more than five (5) feet above the ground. There shall be a limit of one such sign per Parcel.

d. Each building may have not more than three (3) Wall Signs identifying one or more occupants of the buildings, and no such Wall Sign shall exceed 32 square feet in Sign Area. Such Wall Signs shall be Indirectly Illuminated.

e. Signs, whether or not attached to buildings, shall be Indirectly Illuminated. Lighting shall be aimed so as not to illuminate buildings outside the Parcel.

f. Floodlights to illuminate buildings may be used in front yard only, aimed as required above;

g. Support materials for a Ground Sign shall be the same as the building it identifies;

4.1.8 Special Regulation for the Industrial Zone I-L (Light Industry – 5 acres)

The following uses are permitted solely in the I-L Zone upon the issuance of Site Plan approval by the Commission in accordance with requirements for site plans in Article XV, Section 2.2 of these Regulations:

k. Those retail business or retail service uses permitted in the Commercial Zone B-C Section 3.1.1, except for Fast Food Restaurants, shall be permitted only in the I-L Zone on lots that front a state route/highway and do not abut a property located in a residential zone.

4.1.9 Special Regulation for the I-L3 Zone (Light Industry – 3 acres)

The following uses, solely in the I-L3 Zone, may be approved by Special Permit application pursuant to the requirements of Article XV:

a. Extended Stay Hotel: Minimum parcel size shall be three (3) acres, and minimum Lot Frontage shall be two hundred fifty (250') feet. There shall be no outside storage of trash, rubbish, or other material unless it is in a completely screened area such as a block wall screened by shrubs. Extended stay hotel shall only be on a parcel served by municipal sanitary sewers. Off-street parking for Extended Stay Hotel shall be at least 1.25 spaces per guest room.

b. Increase in Building Height: The Commission may, as a separate Special Permit, allow an increase in Building Height, not to exceed seventy-five (75) feet, provided that:

1. The height of the proposed building is such as to avoid visual impacts on adjacent residential zone;

2. The design and illumination of the proposed building are such as to harmonize with the character, scale and architectural character of the adjacent residential neighborhood; and

3. It would be in keeping with the purposes of these Regulations.

4.1.10 Modifications to Existing Approval

A new special permit or new site plan approval, as the case may be, shall not be required for renovations and modifications to a structure previously approved by the Commission, provided that:

1. The new use is permitted within the zone.

2. In the case of a special permit use, the new use is permitted within the zone and is a use similar to the one previously approved.

3. There are no material exterior alterations to the structures on the site, except for signage.

4. The new use complies with the parking requirements under these Regulations.

ARTICLE II

4.2 Age Restricted Housing Overlay Zone in Industrial Zone I-L2

4.2.1 Statement of Purpose

It is the intent of this regulation to create residential development in industrial and office areas that have the necessary infrastructure to support age-restricted housing to residents fifty-five years old or older. One goal of the Age Restricted Housing Overlay Zone in Industrial Zone I-L2 is to enhance the vitality of the I-L2 zone to allow for development that better positions the zone for economic and community prosperity while reinforcing its established and emerging strengths. It is further the intent of this regulation to provide housing opportunities in an aesthetically pleasing community for individuals and households aged 55 years old or older, including singles, couples, empty-nesters, and others, who, for reasons of cost or lifestyle, choose not to reside in a single-family house. A mixed-use development in this overlay zone is intended to facilitate an appropriate mix of age-restricted residential uses with commercial, industrial, or institutional uses in the same location that also maintain the integrity of nearby neighborhoods.

4.2.2 Location

For the purposes of this regulation, the Age Restricted Housing Overlay Zone may be applied to properties zoned Industrial Zone I-L2 and located on parcels of at least five acres in size which are located South of the Merritt Parkway and West of Route 25.

4.2.3 Requirements

a. Except as otherwise stated in this regulation, any development must comply with all of the requirements of the Industrial Zone I-L2, Article II Section 4.1.

b. Mixed-use developments shall include a mix of dwelling units age-restricted to residents fifty-five years old or older, unless otherwise prohibited by state or federal law, and any permitted or specially permitted uses in the Industrial Zone I-L2.

c. Mixed-use developments may be contained within a single building or a group of buildings with at least two separate uses located on the same parcel, one of which shall be housing restricted to residents aged 55 and older.

d. Age-restricted dwelling units shall be permitted at a maximum allowable density of 25 units per acre.

e. Dwelling units shall be limited to efficiency (studio), one-bedroom and two-bedroom units.

f. Parking for age-restricted dwellings shall be provided at 1.5 parking spaces per dwelling unit. A shared parking approach, pursuant to Section 4.10 of these Regulations, shall be permitted and encouraged as a means to reduce the total parking supply that would otherwise be required.

g. A minimum of 10% of residential units constructed in age-restricted residential developments shall be restricted to a rent or sales price affordable to residents who earn 80% or less of the area median income. This requirement shall be applicable to all residential developments of 10 or more units.

4.2.4 Bulk (Building Standards)

Except as otherwise stated in this regulation, any development must comply with all of the requirements of the Industrial Zone I-L2, Article II Section 4.1.

Minimum setbacks, not including balconies and exterior architectural features attached to the building and within five (5) feet of the building:

a. Building setbacks:
   i. Front yard: 50 feet
   ii. Side yard: 45 feet
   iii. Rear yard: 40 feet

Maximum building coverage: not to exceed 40% of parcel area.

Maximum total lot coverage: not to exceed 80%.

Maximum building height: 4 stories, excluding underground parking, not to exceed 60 feet, excluding mechanical equipment and elevator and stairway bulkheads located on the roof and not visible from the street.

The landscaping and perimeter buffer requirements of Article 4, Section 4.6 shall not apply to projects within the Age Restricted Housing Overlay Zone in the Industrial Zone I-L2. Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped as approved by the Commission.

4.2.5 Amenities and Recreation

a. Any development within the Age Restricted Housing Overlay Zone in Industrial Zone I-L2 shall provide not less than 100 square feet of usable

amenity or active recreation areas per 4 dwelling units for the benefit and enjoyment of residents. Amenity and active recreational areas may include, but are not limited to, swimming pools, recreational facilities and buildings, and tennis and pickleball courts. The site plan shall indicate the proposed manner or development of these uses, including, for example, barbeques, fireplaces, picnic tables, play equipment and landscape walkways. The recreational facilities shall be dispersed in such a way as to ensure the health, safety and convenience of the residents for whose use they are intended.

b. No swimming pool, tennis court or other unenclosed recreational surface shall be located within 25 feet from the street line nor closer than 5 feet from the side line and 30 feet from the rear line.

4.2.6 Application Procedure for Zone Change

a. An application for a zone change to the Age Restricted Housing Overlay in Industrial Zone I-L2 must include an application for a Special Permit in accordance with Article XV of these Regulations. The application shall provide a written statement describing how the proposal takes into consideration the recommendations of the I-L2 District Planning Study presented to the Commission in 2020. The Commission may approve an application to apply this overlay zone if it conforms to the purposes set forth in this regulation.

With respect to any requirement established by this Section, the terms of this regulation shall supersede, or in the event of any conflict prevail over, any other provision established in these Regulations.

b. Final approval from the Trumbull Inland Wetlands and Watercourses Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

c. Final approval from the Trumbull Water Pollution Control Authority for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

d. Final approval from the Trumbull Police Commission for the project proposed in the Special Permit application. Said approval to be obtained prior to applying for a zone change to the Planning and Zoning Commission.

ARTICLE II

SECTION 5: RESERVED

ARTICLE II

SECTION 6: ADAPTIVE REUSE

6.1 Purpose:

The purpose of the adaptive reuse provisions in these regulations is to foster the renovation and reuse of structures which have either been previously occupied by nonconforming uses or are of historic value to the Town of Trumbull and for which uses allowed by the existing zone are no longer viable--resulting in structures that may become badly maintained, under-utilized, vacant or demolished.

6.2 Qualifying Adaptive Reuses:

Any proposal for the adaptive reuse of a structure or group of contiguous structures, whether or not the proposal involves one or more nonconforming uses, nonconforming structures, and/or nonconforming lots, shall qualify for review under the adaptive reuse standards set forth in Section 2.6.3, if the proposal meets all of the following conditions:

a. The structure or group of structures proposed for adaptive reuses must either have a pre-existing nonconforming use and/or have been determined to be of potential historic significance by a Historical Review Committee/Demolition Review Committee to be created by the Town. The determination of potential historic significance by this Committee shall adhere to standards established by the National Trust for Historic Preservation and the Connecticut Trust for Historic Preservation.

b. The Planning and Zoning Commission shall have the discretion to determine, based on a thorough review of information from the Historical Review Committee/Demolition Review Committee, Trumbull Historical Society, individuals with expertise on historic properties and any other relevant sources, that a potentially historic structure is not significant enough to be eligible for an adaptive reuse.

c. The proposed use for properties containing a pre-existing nonconforming use must be residential, office, retail, or a combination of such uses, except in industrial zones. Properties located in an industrial zone may be devoted to any use(s), which the Planning and Zoning Commission finds is compatible with the existing and permitted uses in the industrial zones. Such proposed uses shall occupy square footage no greater than is used by the pre-existing nonconforming use.

c. The proposed use for residential properties in residentially zoned areas determined to be historically significant that do not contain a pre-existing nonconforming use shall be limited to residential and professional office uses as described in section 2.1.4 of these regulations. Proposed uses shall take sole access from a road designated as a State Highway by the Connecticut Department of Transportation.

e. The Planning and Zoning Commission shall have the option of denying a request for an adaptive reuse for structures that qualify for consideration of adaptive reuse if they make a determination that the reuse would be detrimental to the surrounding neighborhood or to the Town.

6.3 Adaptive Reuse Performance Standards:

If the Planning and Zoning Commission determines that a proposed project qualifies for consideration as an adaptive reuse, then the Planning and Zoning Commission shall waive any otherwise applicable Zone Development Standards, so long as the project conforms to the following standards:

a. The renovation and remodeling of structures for adaptive reuse may not destroy or obscure essential architectural features. In addition, such architectural features must be enhanced to the extent that it is feasible and prudent to do so.

b. Where the required landscaping and public space cannot be provided on site, any area on site, which is available for landscaping, shall be so utilized. When the Town grants permission, the owner or operator of the site must also use areas within the public right-of-way and adjacent to the site to satisfy landscaping requirements.

c. The long-term benefits of the proposed adaptive reuse must outweigh any negative impact on the neighborhood of the proposed project and on the Town as compared with the alternative of having the structures demolished or remaining vacant or under-utilized.

d. Where necessary parking cannot be provided on site, reasonable provision for parking shall be provided off site. See Article 4 regarding parking.

e. Where a new nonconforming use is proposed to replace a pre-existing nonconforming use, the proposed new use shall be similar in intensity to the existing nonconforming use in terms of

hours of operation, number of people anticipated on site and number of parking spaces required.

6.4 Adaptive Reuse Procedures:

Any property in any zone is eligible for adaptive reuse status if it meets the requirements of this Section. Submission and review of a project qualified for adaptive reuse shall be in accordance with the Special Permit Procedures set forth in Article 15.

6.5 Special Requirements for Approval of Adaptive Reuse:

If requested, the public hearing will be held open for 30 days to allow for a protest against a proposed adaptive reuse. The protest must be filed at least five days before the next public hearing of the Planning & Zoning Commission. The protest, in the form of a petition, must be signed by at least 20% of the property owners of lots within two hundred feet in all directions of the subject property considered for adaptive reuse.

Certification of such petition shall be notarized and submitted by Planning & Zoning Department staff at the time of the hearing. The 200 foot radius requirement shall be measured in a straight line, “as the crow flies”. If such petition is properly certified, any proposed change shall not be adopted except by a vote of two-thirds of the Planning & Zoning Commission.

ARTICLE II

SECTION 7: SPECIAL PROVISIONS FOR CERTAIN ZONES

2.8 Reserved

2.9 Reserved

ARTICLE II

7.3 Planned Residential Development Unit Ownership

7.3.1 Purpose and Intent

It is the intent of the Planned Residential Development Regulation to allow flexibility in the design and layout of dwelling units. This specified zone is consistent with the general pattern of land use and population density. Such Planned Residential Developments are intended to provide persons who seek the convenience of condominium living with the amenities associated with single family detached units. The provisions of these regulations are intended to insure that all uses and structures will be compatible with adjacent areas and will maintain the character of the neighborhood in which they are located. It is contemplated by these regulations that such Planned Residential Development areas shall be in single ownership including condominium ownership pursuant to the statutes of the State of Connecticut.

7.3.2 Regulations for Planned Residential Development

Planned Residential Development shall be permitted by special permit granted by the Commission in accordance with the general provisions of these regulations and shall comply with such additional standards as are set forth herein. In the case of any site plan approved on or after October 1, 1984, all work in connection with such site plan shall be completed within five years after the approval of the plan. The certificate of approval of such site plan shall state the date on which such five-year period expires. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such site plan. “Work” for purposes of this subsection means all physical improvements required by the approved plan.

7.3.3 Definitions

A Planned Residential Development shall be deemed to mean a residential development under one sponsorship containing one or more buildings, each containing one or more dwelling units, and not to exceed seven (7) units per building which shall be individually owned under a cooperative or a condominium arrangement.

7.3.4 Permitted Districts

Planned Residential Developments shall be permitted in any business commercial district or any residentially zoned premises adjacent to a business commercial district. For the purpose of this regulation, business commercial district shall mean such premises of ten (10) or more acres as are zoned business commercial on the date of the adoption of these regulations (June 13, 1985), and which have frontage of at least 50 feet on State Highway Route 127 or State Highway Route 111. Each said district shall contain no less than six acres or more than 26 acres. No more than one Planned Residential Development shall be located within one mile from any other Planned Residential Development, measured in a straight line ("as the crow flies"). These regulations shall prohibit any use allowed by the underlying zoning.

7.3.5 Maximum Coverage

The total area of the ground floor coverage of all dwelling units shall not exceed 15% of the total area of the planned residential district, and the paved area for streets and exterior parking shall not exceed 30% of the total land area. The number of dwelling units permitted in a Planned Residential Development shall be determined by multiplying the total number of acres in the Planned Residential Development by six.

7.3.6 Yard Requirements

The Commission shall determine minimum yard requirements which shall in no event be less than 25 feet setback from edge of pavement and 50 feet setback from property lines.

7.3.7 Maximum Building Height and Unit Sizes

The maximum building height shall not exceed three stories or thirty-five feet. One third of all dwelling units in each development shall contain not more than one bedroom (effective 9-9-02), and the remaining units in each development shall contain not less than 1,200 square feet of living area. In the event the number of units contained in the proposed development is five (5) units per acre or less, and a portion of the parcel is comprised of single family detached homes, the square foot limitations required by this section shall not apply. No unit shall contain more than two bedrooms.

7.3.8 Off-Street Parking

The minimum of 2.5 interior or exterior parking spaces shall be provided for each dwelling unit containing 1,200 square feet of living area, and a minimum of 1.5 interior or exterior parking spaces shall be provided for each dwelling unit containing 800 square feet or less of living area. At least two of the required number of parking spaces per unit containing 1,200 square feet of living area shall be enclosed in garages, and at least one of the required number of parking spaces per unit containing 800 square feet or less of living area shall be enclosed in garages. No parking shall be permitted in the streets.

7.3.9 Utilities

The proposed development must have public sewers and public water, and said units must be connected thereto. All utilities and conduits within the site shall be underground. There shall be no exterior television antennas, window air conditioning units, or clotheslines.

7.3.10 Recreation Area and Open Space

A minimum of 10% of the area of the Planned Residential Development shall be devoted to active recreational purposes to serve the residents of the units. Active recreational areas shall include, but not be limited to, swimming pools, recreational facilities and buildings, and tennis courts. The site plan shall indicate the manner or development of these uses including, for example, barbecues, fireplaces, picnic tables, play equipment and landscape walkways. The open space and recreational facilities shall be dispersed in such a way as to ensure the health, safety, and convenience of the residents for whose use it is intended. All areas of the site not used for building, parking, and walks, grass, etc. shall be suitably landscaped. New construction shall be designed and carried out in a manner which causes least defacement to the existing landscape.

7.3.11 Interior Facilities

All interior streets, sidewalks and utilities shall be owned by the applicant, owner, or Association. Legal documentation, satisfactory to the Town Attorney, shall be submitted as showing the ownership of said roads, sidewalks, utilities, recreation facilities and open spaces.

7.3.12 Accessory Buildings

The Commission may allow such maintenance accessory buildings as it deems necessary in its reasonable discretion for the use by the condominium and/or cooperative association.

7.3.13 Walkways

Pedestrian walkways of a minimum of three feet in width shall be provided between buildings and between buildings and public highway.

7.3.14 Sign Regulations

The following non-illuminated signs shall be permitted on each lot provided that they are set back a minimum of 10 feet from the street line -- one sign for public interest which sign identifies the name of the Planned Residential Development, provided that such sign does not exceed six square feet in area and six feet in height; directional signs which shall identify entrances and exits, parking areas, traffic flow or hazards, providing such signs are of a strictly informative nature and do not exceed two square feet in area and four feet in height.

7.3.15 Lighting

Exterior lighting shall be provided and maintained by the property owner at all access points to the streets, parking areas, building entrances and elsewhere for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level and shielded from roads and abutting properties in accordance with Article XV of these Regulations.

7.3.16 Refuse Collection

Receptacles for individual refuse collection shall be provided in the garages. No central collection areas shall be permitted.

7.3.17 Mail Boxes

A permanently enclosed area shall be provided for mail boxes, and conveniently located for all units.

7.3.18 Site Plan Submission

Site plans and other required information shall be submitted in accordance with Article XV of these Regulations.

7.3.19 Architectural Design

In addition to the standards of Article XV of these Regulations, the architectural design, scale and mass of buildings and other structures, including other elements, the exterior building material, color, roofline and building elevations shall be colonial residential in character so as to harmonize and be compatible with the neighborhood, to protect property values in the neighborhood and to preserve and improve the appearance and beauty of the community. Pitched roofs shall be required. Rooftop mechanical equipment, other than solar energy panels, shall be concealed from all sides. Ground mechanical equipment shall be screened with planting and so located as to be as least obtrusive as possible. Building unit design should be designed to avoid the barracks or dormitory appearance.

7.3.20 Landscaping and Screening

Landscaping shall be provided under the direction of the Commission subject to a landscaping plan submitted by the applicant, and approved by the tree Warden. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the Town and to protect and increase property value through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water runoff of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations.

Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.

7.3.21 Storm Drainage Facilities

All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Article I, Section 5.3 of these Regulations.

7.3.22 Documentation

The applicant shall either obtain and submit with his application all necessary legal documents or rights such as easements, right-of-ways, or shall otherwise provide sufficient evidence to show, to the satisfaction of the Commission, that the acquisition of all such necessary legal documents or rights appears to have a reasonable probability of success.

7.3.23 Continuing Nature of Standards (effective 9-20-01)

The regulations, prohibitions and standards of performance herein set forth are expressly declared to be of continuing application. Any permission to use land for residential purposes granted after the enactment of this revision shall be granted subject to compliance with the regulations, prohibitions, and standards herein set forth, and upon failure to comply with the same within fifteen (15) days after written notice of non-compliance from the Planning and Zoning Commission. said Commission may revoke any permission previously granted.

No building permits shall be issued until a Mylar of the final approved Special Permit is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

7.3.24 Acceptable Building Materials (effective 1-25-01)

Siding: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, mahogany clapboard, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044” in thickness, and other similar materials. Unacceptable materials include, but are not limited to, “Dryvit”, cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl.

ARTICLE II

7.4 Affordable Housing Development

Repealed Effective July 25, 2008.

7.5 Home Occupations

Businesses/commercial offices or ventures are not permitted in Residential Zones as indicated by signage, marking of vehicles, commercial trailers, customers, patients, employees, outdoor and street parking of commercial vehicles, delivery of goods, outside storage of goods, and/or other factors that indicate a business is in progress on the Premises.

Rev. June 20, 2008 to eliminate footnotes. Rev. June 26, 2006 to change sign area in Design District from 6 SF to 12 SF, and other signs from 3 SF to 6 SF, per vote of June 25, 2008.

7.6 Multi-Family Overlay Zones

7.6.1 Purpose and Intent

The purpose of the Multi-Family Overlay Zone (MFO) is to create residential development in areas no longer necessary for office or industrial development, yet have the necessary infrastructure to support multi-family use without additional burden on municipal infrastructure. One goal of the MFO is to facilitate economic redevelopment by returning former industrial sites to the market by means of conversion to a viable residential use.

It is further the intent of this regulation to provide rental housing opportunities in an aesthetically pleasing community for individuals and households, including singles, couples, empty-nesters, and others, who, for reasons of cost or lifestyle, choose not to reside in a single family house. Dwelling units shall be rented to one “family” as that term is defined in these regulations. Any development pursuant to this regulation should not be designated to serve as undergraduate student housing.

7.6.2 Location Criteria for Multi-Family Overlay Zone

An MFO Zone may be located only on properties that meet all of the following criteria:

a. Currently zone IL or IL-2

b. Not less than 10 acres; and

c. No direct access from a state highway

A site rezoned by the Commission to MFO shall be developed in accordance with regulations set forth in Sections 7.6.4 & 7.6.5 below.

7.6.3 Uses Permitted by Special Permit

Multi-family residential development of not more than 220 units and associated clubhouse and amenity and/or active recreational space, subject to the criteria set forth in Section 7.6.4 below.

7.6.4 Development Standards

Notwithstanding other provisions of the Zoning Regulations, the following parameters and controls shall govern the development of a site in the MFO Zone.

1. Density. The maximum number of dwelling units shall be 20 units per acre. The maximum number of dwelling units that may be developed pursuant to this MFO shall be 600, provided that no more than 220 units may be approved by the Commission within any 12 month period.

2. Height and Stories. The maximum height of any principal building shall not exceed 65 feet or five (5) stories.

3. Setbacks. The minimum yard requirements shall be 50 feet for front, side, and rear yards. In no event shall any building be closer to a public street than 1.25 times the building height, nor shall any building be located less than one hundred (100) feet from the Merritt Parkway right of way.

4. Coverage. Building coverage of all buildings shall not exceed 20% of the lot area, and the maximum lot coverage shall not exceed 60% of the lot area.

5. Parking. Parking for residential units shall be provided at 2.0 spaces per two bedroom unit and 1.8 spaces per one bedroom unit. Guest parking shall be provided at 1.0 space per 20 units. Lighted pedestrian walking paths or sidewalks should be provided between parking areas and residential buildings.

6. Recreational Space. Any development within the MFO Zone shall provide not less than 100 square feet per unit of useable amenity area or active recreation areas for the benefit and enjoyment of residents. Amenity and active recreational areas may include, but not be limited to, swimming pools, recreational facilities and buildings, and tennis courts. The site plan shall indicate the proposed manner or development of these uses including, for example, barbecues, fireplaces, picnic tables, play equipment and landscape walkways. The recreational facilities shall be dispersed in such a way as to ensure the health, safety, and convenience of the residents for whose use it is intended.

7. Landscaping of Overall Site and Parking Lots.

The area of the lot devoted to pervious landscaping or remaining in its existing natural state shall be no less than 40 percent. The minimum front landscape and perimeter buffer shall be 20 feet and designed in accordance with Article IV, Section 4.6.4 and 4.6.5. All developments will have at least 20 square feet of interior landscaping for each parking space within the paved portion of the parking lot.

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Tree Warden. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.

The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

8. Utility and Road Requirements

A. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicate Town ordinances and regulation, specifically including Article I, Section 5.3 of these Regulations.

B. All utility facilities shall be placed underground.

C. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.

D. There shall be a public water supply and municipal sewer system serving the facility.

9. Building and Unit Design

All new development in the MFO shall be one or two bedroom units. One bedroom units shall have a minimum size of 700 square feet. Two bedroom units shall have a minimum size of 950 sq. ft. Unit mix should target young professionals and empty nesters. Interior fit outs should include high quality finishes like granite countertops, upgraded appliances, and upscale lighting fixtures.

All new development in this zone shall be compatible with or exceed the quality of the surrounding development in terms of materials, building siting, architecture and landscaping. Staggered or off-set unit facades and/or varied unit façade materials should be utilized. The exterior building material, color, roof-line and building elevations shall be residential in character. A combination of materials may be used but the entire building should be of the same architectural style. Concrete blocks shall not be visible on any other façade of a building.

Pitched roofs are preferred. All rooftop utilities or other equipment, other than solar energy panels, shall be concealed from view of pedestrians, car traffic and residential units which may be located on higher floors.

10. Signage

A. Two (2) Identification Signs for the development not exceeding a combined 65 square feet of Sign Area shall be permitted. These shall be Ground Signs and shall not have a Sign Face exceeding five (5) feet in height, nor a total height exceeding ten (10) feet.

B. Two (2) Wall Signs not exceeding 25 square feet of Sign Area each may be located on a building or buildings within the development, provided that no building shall have both signs. Such Wall Sign may be located on the building surface, including on any cave or gable, or may be placed on , above, or below a canopy that extends out from the building surface. In no case, however, shall a Wall Sign extend above the height of the building. Such Wall Sign may be internally illuminated.

C. On-site public safety, directional, building identification or other signage related to accessory uses (such as those for amenity or recreational areas or building/use rules) shall be exempt from any signage regulations provided that no individual sign shall exceed 12 square feet.

D. One (1) Temporary Sign not exceeding thirty (30) square feet advertising the availability of dwelling units for rent shall be permitted. Such sign shall be displayed for no more than twelve (12) months, which time period may be extended by the Commission for an additional twelve (12) months. Such Temporary Sign shall be removed no more than thirty (30) days following the completion of the initial rental of all dwelling units.

E. Signage shall be approved in accordance with Article XIII, Section 5, provided that the location of signage may be approved in connection with the overall special permit issuance.

11. Standards for Design

The Commission may approve a site plan filed in connection with an MFO zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

A. Driveways: All drives shall be asphalt, pea stone, brick, and/or stone.

B. Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete.

C. Finish Grading: The building shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4” (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control as amended.

D. Pools and Tennis Courts: All pools and tennis courts visible from a public road shall be heavily screened with plantings, and shall not be located within 75’ of the state highway. “Above ground” swimming pools are not permitted.

E. Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to deemphasize their presence.

F. Siding: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .040” in nominal thickness. Unacceptable materials include, but not limited to, particle board, composition board, “Dryfit”, cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl siding.

G. Notwithstanding Article III, Section 3, accessory buildings for storage and maintenance purposes shall be allowed.

7.6.5 Procedural Requirements

1. Application for Zone Change Approval

An application for a zone change to MFO shall include:

A. A completed zone change application as provided for by the Commission.

B. A written statement describing how the proposal complies with the purposes set forth in Section 7.6.1 of these regulations.

C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:

(1) Define the location of the areas to be used for residential and conservation or recreational purposes.

(2) Set forth the proposed density of the dwelling units.

(3) Show all roads and utilities.

(4) Show present and proposed topography.

(5) Show conceptual landscaping plan for the site.

(6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.

D. Preliminary building plans illustrating:

(1) A typical floor plan.
(2) Typical elevations.
(3) Design Standards (as required in Section 7.6.4.9 & 11 of this Section).

2. Standards for Zone Change Approval

The Commission may approve a petition for a change of the existing zone to MFO if it conforms to the purposes set forth in Section 7.6.1 of this Article and to all other applicable provisions of these Regulations and the property adjacent to the MFO will not be adversely affected.

3. Special Permit Approval

Simultaneously with or subsequent to the application for zone Change to MFO, the applicant shall obtain Special Permit approval for the intended development in accordance with the Article XV of these Regulations.

7.6.6 Applicability of Other Regulations

With respect to any standard or guideline established by this Section, the terms of this MFO regulation shall supersede, or in the event of any conflict prevail over, any other provision established by these Regulations.

ARTICLE III-LOT AND HOUSE SIZES, BUILDING LINES AND HEIGHT AND BULK OF BUILDINGS

1. Schedule of Minimum Lot and House Sizes, Building Lines and Limits on Height and Bulk of Buildings

No building or structure shall hereafter be used, occupied, erected, altered, enlarged, expanded, rebuilt or moved except in conformity with the regulations prescribed in this Article and in the schedule hereinafter set forth as modified by the other provisions of this article, which schedule as thus modified is made a part hereof. For merger of nonconforming lots, see Article I, Section 4.

Stone walls and retaining walls not exceeding three (3') feet in height shall be excluded from the provisions of this section.

See Exhibit at the end of this text.

2. Minimum Required Yards

2.1 In determining the depth of yards, measurements shall be made from the Lot Line.

2.2 Nothing in these Regulations shall require any Building hereafter erected between two existing Buildings on immediately adjoining Lots to set back from the Street line a greater distance than that one of such two existing Buildings which is farthest from the Street Line.

2.3 In Residence Zones, the minimum depth of the Minimum Required Side Yard on the Street side of a Corner Lot shall be 40 feet to a point 100 feet back from the front line of said Lot. From that point to the Rear Lot Line, the minimum depth of the Side Yard shall be same as the minimum depth of the front yard required on the Lot immediately adjoining the Rear Lot line of said Corner Lot. The owner of the Lot may, at the time of application for a Certificate of Zoning Compliance, designate the Front and Side Lot Lines.

2.4 No lot shall be so reduced in area by sale, subsequent subdivision or otherwise, in such a manner that a conforming lot is made nonconforming with respect to minimum area or in such a manner that any yard or other open space shall be smaller than is prescribed in these regulations for the zone in which it is located.

3. Accessory Buildings

3.1 Accessory Buildings, other than Garages and Workshops, shall not exceed a height of ten (10) feet above the Grade.

3.2 An Accessory Building used for storage, i.e. a Shed (excluding a Garage), may be no larger than 150 square feet in Gross Floor Area (for lots ½ acre or smaller) or 192 square feet in Gross Floor Area (for lots larger than ½ acre) and no higher than ten (10) feet, shall be no closer than five (5) feet (for lots ½ acre or smaller or ten (10) feet (for lots larger than ½ acre)from both the Rear and Side Lot Lines.

3.3 Garages attached to the Principal Building shall be no higher than the highest point of that Building, or the maximum Building Height allowed for that Zone, whichever is lower. Detached Garages shall be no higher than one (1) Story, or fifteen (15) feet, whichever is greater.

3.4 Temporary Sheds or Garages, whether in the form of tents, collapsible shelters, fabric-covered frames, modular storage pods, or the like are subject to the time limits of Art. II; and shall be comply with the Required Yard, Maximum Building Coverage, and Floor Area Ratios of the subject Zone.

3.5 Workshops shall be no higher than fifteen feet.

4. Height Exemption

The provisions of these regulations governing height of buildings in all zones shall not apply to chimneys, cupolas, silos, belfries, flag poles, governmental or residential radio or television poles or antennas, nor to hose towers or churches; provided, however, that any such building component or structure taller than fifty (50') feet shall require a Special Permit from the Commission.

5. Projections and Encroachments in Yards

Except as herein specified, yards required by this ordinance shall be open and unobstructed to the sky. Cornices, leaders, belt courses, sills, awnings and similar ornamental features may project twenty-four (24") inches over any yard.

6. Computation of Floor Area

See definition of “Floor Area, Gross” in Article I, Section 3.

7. Location of Swimming Pools and Tennis Courts

No swimming pool, tennis court or other unenclosed recreational surface shall be located in a front yard closer than 150 feet from the street line nor closer than 25 feet from the side line. No swimming pool or tennis court shall be located in a side or rear yard closer than 25 feet from a side or rear line.

8. Open Space Subdivisions, Lot Size Reductions

For lot size reductions in connection with an Open Space Subdivision, see Article XIV of these Regulations.

9. Interior Lots

Interior Lots may be allowed by the Commission as a Special Permit in accordance with Article XV, and subject to the following:

9.1 Interior lots shall have at least thirty (30) feet of road frontage.

9.2 The driveway shall provide for unobstructed vehicular access from a town road in an approved subdivision, and at no point shall the grade of such driveway exceed fifteen (15%) per cent.

9.3 No portion of the driveway shall serve more than one Lot, except where deemed appropriate for protection of wetlands or other environmental conditions and specifically approved by the Commission.

9.4 The length of the driveway to the closest point of the required minimum rectangle shall not exceed four hundred (400) feet.

9.5 The minimum acreage of the interior lot shall be two times more than the minimum required for the zoning district in which said lot is located.

9.6. Not more than one interior lot shall be allowed in a subdivision containing up to five (5) lots. No more than two (2) interior lots shall be allowed in a subdivision containing up to eleven (11) lots and not more than one (1) interior lot shall be permitted for each additional eleven (11) lots, or fraction thereof.

9.7 Minimum front, side, and rear setbacks shall be 75 feet in AAA and AA zones, and 50 feet in A zones.

9.8 A minimum square must be able to fit in all interior lots. The drawn square shall be 250’ x 250’ in AAA/AA zones, and 175’ x 175’ in A zone.

Article III Exhibit

Minimum Lot and House Sizes, Building Lines And Limits on Height and Bulk of Buildings

Zones	Minimum Lot Size	Minimum Road Frontage (feet)	Minimum Floor Area (square feet)			Maximum Building Height (feet)	Minimum Yards (feet in depth)			Maximum Building Coverage	Maximum Floor Area Ratio
				1st Floor	2nd Floor		front	side	rear		
Residence AAA	1 acre (43,560 sq. ft.)	150	1 story 1.5 story 2 story	1500 1250 1100	 800 900	40(g)	50	20	50		.29 Principal Building
Residence AA	1 acre (43,560 sq. ft)	150	1 story 1.5 story 2 story	1400 1150 1000	 500 800	40(g)	50	20	50		.29 Principal Building
Residence A	0.50 acres (21,780 sq. ft)	125	1 story 1.5 story 2 story	1200 900 900	 500 800	40[a](g)	50[a]	20[a]	50[a]	25%	.29 Principal Building
PRCZ	0.7 in 1 acre zones; 0.35 in 0.5 acre zones	250[b]	1.5 story 2 story	1700 2600 (joint – total for both stories)	900	40	40[c]	20[c]	40[c]	15%[d]	.29 Principal Building
Commercial B-C	2 acres	250				35 (f)	(e)	(e)	(e)	20%	
Industrial I-L	5 acres	250	(see Article II, Section 4.1, Industrial Use Regulations)								
Industrial I-L2	2 acres	250	(see Article II, Section 4.2, Industrial Use Regulations)								
Industrial I-L3	3 acres	200	(see Article II, Section 4.3, Industrial Use Regulations)								

a) Also applies to pre-existing nonconforming residence uses except as otherwise specifically provided in these regulations.

b) Frontage requirement applies to entire area zoned Planned Residential Conservation Zone (PRCZ).

c) No principal building within the PRCZ shall be within fifty (50') feet of a boundary line of a PRCZ. The front setback in a PRCZ s the distance measured from the closest part of the building located to the edge of the pavement.

d) The maximum building coverage shall be fifteen (15%) percent of the land located in the PRCZ.

e) To be specified by the Planning and Zoning Commission under Article II, Section 3. (Effective 3/4/60).

f) May be increased to 45 feet for walk-out basements. See Article II, Section 3.1.8. July 25, 2008.]

g) See Section 3.3 of this Article I

(h) Minimum Road Frontage shall be 50 feet where the lot frontage of the subject lot is located solely on a cul-de-sac and the distance between the side lot lines is a minimum of 250 feet.

ARTICLE IV-GARAGES, PARKING SPACES AND LOADING AREAS

1. Garages in Residence Zones

In all Residence Zones, Garages shall be limited as specified in Sections 1.1.2, 1.2.2, and 1.3.2 of Article II of these regulations.

2. Outdoor Parking in Residence Zones

In addition to the storage of motor vehicles permitted by Section 1 of this Article in Residence Zones, the regular outdoor parking of not more than four (4) non-commercial motor vehicles on any one lot may be permitted. However, the regular outdoor parking of trucks and other types of business vehicles or equipment in Residence Zones is prohibited. The temporary parking of recreational vehicles, such as camper-trailers, mobile homes, or pop-up trailers, or the dry storage of boats is also permitted, subject to compliance with conditions of Article II, Sections 1.1.2, 1.2.2, and 1.3.2 of these regulations.

3. Loading Areas in Commercial and Industrial Zones

On a lot in a Commercial or Industrial Zone which is occupied or used for business, industrial, hotel or institutional purposes, there shall be provided adequate space as determined by the Commission for the loading and unloading of supplies, materials or merchandise in connection with any such use. The adequacy of the space and the suitability of its location shall be determined among other things by the expected volume of loading and unloading, by the nature of the use, by the location of the principal building with relation to the street and by traffic conditions, and at least one loading space 10 feet by 25 feet with 15 feet height clearance shall be required for a building having a gross floor area of 10,000 square feet or over.

4. Parking for Commercial, Industrial, or Institutional Uses

For all Uses for which a Special Permit or Special Exception is required from the Commission or the Board, as the case may be, the following shall apply.

4.1 Provision, Location, and Improvement of Parking Lots

4.1.1 Provision for Parking.

There shall be furnished in connection with any lot in a Commercial Zone occupied or used for business, industrial, hotel or institutional purposes, parking space and exits

and entrances which the Commission shall determine to be adequate to relieve congestion in the streets and avoid hazardous traffic conditions.

4.1.2 Location of Parking Spaces.

Such space shall be provided either on the same lot or within 500 feet from the main entrance of the building which is to house the use involved, measured along the street which gives access to the building.

4.1.3 Parking for the Handicapped.

All commercial, industrial, governmental, and multi-family residential buildings and uses shall provide parking spaces for handicapped individuals. Said spaces shall conform to Section 14-253a of the Connecticut General Statutes and the requirements of the Connecticut Building Code.

4.1.4 Surfacing.

For uses of land other than single family dwellings, and except as provided below, all parking areas, loading areas, maneuvering lanes, and access drives shall be improved with an adequate all weather, dustless surface consisting of no less than four (4") inches of processed stone or gravel and a minimum of three (3") inches of bituminous concrete. A greater thickness or higher specification of surfacing may be required by the Commission/Board, as part of a Special Permit/Exception application where especially high traffic volumes, or heavy vehicle weight, is anticipated. All parking spaces shall be defined by curbing or wheel stops to prevent cars from damaging landscaping islands or pedestrian walkways. All parking spaces shall be delineated by painted lines or other clearly visible means.

The Commission/Board, as part of a Special Permit/Exception, may waive the requirement for a dustless surface, curbing and painted lines, and permit alternative surfacing with washed gravel, stone dust, or similar materials, provided that:

a) The Town Engineer shall approve the design and alternative surfacing of the parking area.

b) Wheelstops shall be provided by anchored timbers, stone, or similar methods.

c) The applicant shall be responsible for regular maintenance of the surface such that it remains free of puddles, icing, potholes, erosion, dust, and similar defects, and is usable by the public during all weather conditions. Failure to comply with this provision shall constitute a violation of these Regulations, and subject the owner or occupant of the property to the penalties provided by law.

d) The Commission finds that the character of the neighborhood, the projected intensity of use, the overall size of the parking area, and the

nature of the proposed alternative surface make such a waiver appropriate.

4.1.5 Deferred Parking.

In Commercial and Industrial Zones, where the Gross Floor Area on a Lot exceeds twenty thousand (20,000) square feet, the Planning and Zoning Commission may approve the substitution of a reserve parking area in lieu of up to twenty percent (20%) of the required number of marked spaces. The reserve parking area must be suitable for parking development and shall be designed as an integral part of the overall parking layout and designated as reserve spaces on the site plan. The reserve parking area will be reasonably flat and well drained, and suitable for overflow parking. The reserve area will be suitably grassed, landscaped, and maintained, will be kept free of obstructions, will be accessible from the marked parking area and have reasonable direct access to building entrances, and will be available for overflow parking during peak traffic periods. The Commission may require the use of structural reinforcements, often known as "grass-crete," to support the weight of vehicles in a grass reserve parking area. If the Enforcement Officer finds that the number of marked parking spaces is inadequate for actual use, or if the condition of the reserve parking area is the as to create a public nuisance, the Enforcement Officer will report the findings to the Commission. The Commission, at its discretion, may notify the owner of the property that the reserve area must be properly maintained, or may require full development of the reserve parking area within six months of notification. "Full development" includes, but is not limited to, installation of stormwater management structure, pavements, curbing, landscaping, and all other requirements for a standard parking lot under this Article. Failure of the owner to comply with this requirement may be grounds for revocation of the certificate of zoning compliance and render the property in violation of these Regulations.

4.1.6 Drainage.

For uses of land other than single-family dwellings, all parking areas shall provide for proper drainage, efficient maintenance, and snow removal. In accordance with the applicable provisions of Article I, Section 5.3 (General Regulations, Stormwater Runoff Control) of these Regulations, stormwater drainage systems shall produce no increase in peak runoff by means of man-made detention ponds or existing natural areas on the site. All stormwater drainage systems shall provide for the trapping and removal of road sand and other water borne debris. All drainage systems shall be designed to prevent the flow of stormwater onto Town or State roads.

1.1.7 Parking Requirement Graph

TYPE OF USE	
Restaurant Type use	Minimum Parking Requirement
Retail/ Service Type Uses	

Shopping centers and retail stores up to 25,000 sq. ft.	5 spaces per 1000 sq. ft. of gross floor area
Shopping Centers and retail stores more than 25,000 sq. ft.	4.75 spaces per 1000 sq.ft of gross floor area
Village Retail Overlay Zone	
Business and Professional offices	1 space per 250 sq. ft. of gross floor space not including medical offices
Restaurants	10 Spaces per 1,000 sq. ft. or gross floor area including outdoor patio
Retail stores and Banks	1 space per 200 sq. ft. of gross floor space
Restaurant Type Use	
Restaurant and other food or beverage service establishments	7 Spaces per 1,000 sq. ft. or gross floor area including outdoor patio up to 15,000sqft and 6.5 spaces for every 1,000 gross sq. ft. after
Restaurant with Drive thru	7 Spaces per 1000 sq. ft. of Gross floor area
Buffet Restaurant (High turnover sit down restaurant)	19.4 Spaces per 1000 GFA + 3.4 spaces per 1000 for employees (Page 260 ITE booklet)
Health/ Fitness Club	parking supply ratio 5.9 spaces per 1000 sq. ft. of GFA and .5 per 1000 sq. ft. of employee density
Residential	
Single Family	No more than 4 motor vehicles parked on any lot, other than within a garage
In-law/ Accessory Apartment	4 off street spaces required
Other uses	
House of Worship/ Community Center	1 space for every 3 seats for seating capacity under Fire Code
Hotels	1 space for each guest room plus 12 spaces for each 1000sqft of public space or 1.5 spaces for each guest room whichever is greater
Extended stay hotel	1.25 spaces for each guest room, Parking other than for visitors shall not be permitted in any front or side yard abutting a residential zone.
Industrial Zone Uses	
Assembly/ Factory	1 space for every 1.5 employees

Office Use	1 space per 250 sq. ft. of office floor space
Medical Office	1 space per 200 sq. ft. of gross floor space
*If use is not specified please refer to Planning Zoning Staff	

4.2 Illumination, Outdoor Lighting Regulations.

Purpose: The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties, and to reduce glare. All business, residential, and community roadways, sidewalks and town property luminaries should be planned and installed with the idea of being a "good neighbor" by keeping unnecessary direct light from shining onto abutting properties or roadways, both public and private.

Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of Trumbull. This regulation applies to all sites located in nonresidential zones and special permit uses in residential zones.

Definitions:

For the purposes of this Article IV only, the following definitions shall be used:

DIRECT LIGHT: Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

FULL CUT-OFF TYPE FIXTURE: A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base, or the purpose of the design as defeated, and disability glare will result.

FULLY SHIELDED LIGHTS: Fully shielded luminaire light fixtures allow you to control the glare in any direction.

GLARE: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

HEIGHT OF LUMINARIES: The height of luminaries shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.

INDIRECT LIGHTING: Direct light that has been reflected or has scattered off of other surfaces.

ISODIAGRAM: An isodiagram is a graphical representation of points of equal illuminance drawn as single line circular patterns or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

LAMP: The light source component of luminaries that produces the actual light.

LIGHT POLLUTION: Stray or reflected light that is emitted into the atmosphere, beyond the 90-degree horizontal lane. Dust, water, vapor and other pollutants reflect this light causing unwanted sky-glow.

LIGHT TRESPASS: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

LUMEN: A unit of luminous flux. One-foot candle is one lumen per square foot. For the purposes of this regulation, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.

LUINAIRE: A complete lighting system, and includes a lamp or lamps and a fixture.

OUTDOOR LIGHTING: The night-time illumination of an outside area or subject by any man-made device located outdoors that produces light by any means.

RATIO: Uniformity ratio, describing the average level of illumination in relation to the lowest level of illumination for a given area. Example: U. ratio= 4:1 for the given area, the lowest level of illumination should be no less than 1/4 the average level of illumination.

UPLIGHTING: Any light source that distributes illumination above a 90 degree horizontal plane.

A. Lighting Plan.

Outside lighting for non-residential and multifamily uses will be subject to a Site Plan review, unless waived by the Zoning Enforcement Officer, and shall be accompanied by a lighting plan showing:

1. The location, height and type of any outdoor lighting luminaries, including building mounted;

2. The luminaire manufacturer's specification data, including lumen about output and photometric data showing cutoff angles;

3. The type of lamp: metal halide, compact fluorescent, high pressure sodium;

4. The Commission may require an isodiagram showing the intensity of illumination expressed in foot candles at ground level.

B. General Requirements:

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at (and glare across,) the property lines and disability glare at any location on or off the property. The “maintained horizontal illuminance recommendations” set by the Illumination Engineering Society of North America (IES) shall be observed. (see Appendix A & B).

2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.

3. Lighting for display, building and aesthetics shall be from the top and shine downward, not uplighted, except as otherwise provided. The lighting must be shielded to prevent direct glare and/or light trespass and must also be, as much as physically possible, contained to the target area.

4. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.

5. Floodlighting is prohibited.

6. Adjacent to residential property and in all residential zones, no direct light source will be visible at the property line at ground level or above.

7. Gasoline Service Stations. Maintained illumination recommendations set by the Illuminating Engineering Society of North America (see Appendix B) will be observed and not exceeded. All area lighting will full cutoff. Lighting under canopy will be recessed so that the lens is recessed or flush with the bottom surface, to reduce off-site glare for roadways.

8. All street lighting shall be “cut-off” fixtures.

9. Outdoor playing areas. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

10. Employ soft, transitional light levels, which are consistent from area to area. Minimize contrast between light sources, lift areas and dark surroundings.

11. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security - motion or infared sensor lighting is encouraged. (“Non-essential can apply to display, aesthetic, parking and sign lighting).

12. Lighting designed to highlight flagpoles shall be low level, should be targeted directly at the flag.

13. The height of luminaries, except streetlights in public right-of-ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 30 feet.

14. Exemptions: Traditional seasonal lighting and temporary lighting used by Police, Fire Department or Emergency services are exempt from these regulations.

C. Special Permits

The Commission/Board may grant a Special Permit/Exception modifying the requirements of this Section, provided it determines that such modification is consistent with the purpose of these regulations, in the following cases:

1. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists,

2. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;

3. Where a minor change is proposed to an existing nonconforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;

4. Where special lighting is indicated for historic buildings;

5. Where special consideration is given to maintain uniformity with similar uses in the immediate vicinity.

6. Where ornamental up lighting of sculpture, buildings or landscape features will enhance the character of the area.

Appendix A

Recommended Maintained Illuminance Values for Parking Lots

		Basic	Enhance Security
Minimum Horizontal Illuminance	lux	2	5
	fc	0.2	0.5
Uniform Ratio, Maximum to Minimum		20:1	15:1
Minimum Vertical Illuminance	lux	1	2.5
Minimum Vertical Illuminance	fc	0.1	0.25

Source -IESNA RP 20-98

Appendix B

Service Station or Gas Pump Area Average Illuminance Levels

Area Description	Average Illuminance On Described Area (Lux/footcandles)
Approach with Dark Surroundings	15/1.5
Driveway with Dark Surroundings	15.1.5
Pump Island Area with Dark Surroundings	50/5
Building Facades with Dark Surroundings	20/2
Service Areas with Dark Surroundings	20/2
Landscape Highlights with Dark Surroundings	10/1
Approach with Light Surroundings	20/2
Driveway with Light Surroundings	20/2
Pump Island Area with Light Surroundings	100/10

Building Facades with Light Surroundings	30/3
Service Areas with Light Surroundings	30/3
Landscape Highlights with Light Surroundings	20/2

Source - IESNA RP-33-99

4.3 Quantity of Parking Spaces for Specific Uses.

The quantity of parking spaces shall be as set forth for each individual Zone in Article II. In determining adequacy of parking space, the Commission shall be guided generally by the degree of motor vehicle concentration customarily associated with the use involved as based on the parking studies of the Institute of Traffic Engineers.

4.4 Dimensions of Parking Space.

Each such parking space shall be double striped, shall be a minimum width of 9 feet, and a minimum length of 18 feet, with a 24 foot aisle way.

4.5 Use of Yards for Parking.

Except as provided in Section 4.6 of this Article IV, space in any Minimum Required Yrd in any Commercial Zone as required by these regulations may be used for loading, unloading and parking.

4.6 Landscaping of Parking Lots.

4.6.1 Purpose

The landscaping provisions of these Regulations preserve and enhance the character, appearance, and beauty of the community, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to control erosion of the soil and excessive run-off of storm water, and avoid depletion and pollution of water resources.

4.6.2 Minimum Landscape Area Requirement (MLA)

For all non-residential uses, and for residential uses with more than three dwelling units per lot, the area of the lot devoted to pervious landscaping will be not less than the following percentages of MLA in each Zone.

ZONE	MLA
All Residence Zones (Art. II, Section 1 and 2)……	50%
Commercial Zone B-C…….....	20%
Industrial I L Zone……	20%
Industrial I-L2 Zone…….	20%
Industrial I-L3 Zone…….....	20%

For purposes of this Section, pervious landscaping will consist of any of the following or combination thereof: grass, groundcover, vines, shrubs, hedges and trees. With the approval of the Commission, existing natural vegetation, and unique site features the as existing stone walls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement.

4.6.3 General Requirements

The following requirements will apply to all uses for which a Special Permit or Special Exception is required:

A. Any portion of a developed lot which is not used for the location of buildings, structures, accessory uses, outside storage areas, off-street parking and loading areas, sidewalks or other paved areas, will be landscaped in accordance with a landscaping plan. Any area of the lot that will not be disturbed by filling, grading, excavation or other construction activity may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the lot in the a manner as to minimize storm water runoff, sedimentation and erosion.

B. Landscaping, trees and plants required by these regulations will be planted in a growing condition according to accepted horticultural practices and will be maintained in a healthy growing condition. Any landscaping, trees and plants which in a condition that does not fulfill the intent of these regulations will be replaced by the property owner during the next planting season for the particular plant material.

C. Any screening fence or wall required by these regulations will be maintained by the property owner in good condition throughout the period of the use on the lot.

D. All landscaping, trees and planting material located adjacent to parking areas, loading areas, or driveways will be properly protected from damage by vehicles by barriers, curbs, or other means.

E. To the maximum extent possible, existing trees, vegetation, and unique site features the as stone walls, large boulders or rock outcroppings will be retained and protected. Existing healthy mature plant materials, especially trees, if properly located, will be fully credited against the requirements of these regulations.

F. For all new landscaping, an ample variety and quantity of ornamental plants will be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color, and size at maturity. The use of native plant species indigenous to the region is encouraged.

G. Landscaping will serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.

H Landscape composition will be complimentary to scale and style of existing and proposed buildings.

4.6.4 Front Landscaped Areas

Each lot will be provided with a landscaped area extending the length of the street frontage along the interior side of the front lot line, except where driveway exits and entrances are located. The width of the front landscaped area will be no less than 10 feet in the B-C Zone, no less than 15 feet in the I-L Zones, and 25 feet or more in other Zones. The area of the front landscaped buffer may be included in calculations for the minimum landscaped area required in Section 4.6.2. The front landscaped area will be covered with grass or other ground cover and will include appropriate trees and shrubs. At a minimum, one street shade tree having a caliper of at least 3 inches and a height of at least 6 feet at time of planting will be planted for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use of the lot, but not to screen the use from view.

A. In cases where the edge of the pavement within a public right-of-way does not coincide with the lot front lot line, the property owner will landscape and maintain the area between the front lot line and the edge of the street pavement. A front sidewalk, where existing or where required, may be considered part of the landscaped area.

B. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or other requirements of Section 4.6, the Commission/Board may allow the

substitution of planters, plant boxes or pots containing trees, or flowers to comply with the intent of these regulations.

4.6.5 Perimeter Buffers

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto other lots. A perimeter buffer will be provided along all lot lines other than the front lot line, except where driveways or pedestrian walkways connect to Section for each lot, notwithstanding any buffers on adjacent property. Except for single-family residential uses, the perimeter buffer will not be used for parking. The area of the perimeter buffer may be included in calculations for the minimum landscaped area required in Section 4.6.2.

A. Buffer Width. The minimum width of perimeter buffers will be as follows:

1. For residential uses, the Minimum Required Side and Rear Yard Areas will be considered perimeter buffers.

2. For non-residential uses abutting property within a Zone that allows residential uses 20 feet

3. For uses within commercial Zones 10 feet

4. For uses within industrial Zones 20 feet

5. Where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, the Commission/Board may modify the width requirements provided the perimeter buffer area meets the intent of these Regulations.

B. Required Landscaping for Buffers. For single-family residential uses, there is no specific requirement for landscaping the buffer area. For multi-family and non-residential uses, the buffer area will be maintained with lawn, shrubs and trees, including evergreen planting of the type, height, spacing and arrangement as, in the judgment of the Commission/Board, will effectively screen the activity on the lot from the neighboring residential area. At a minimum, the planting will consist of evergreen trees 6 feet in height planted at intervals of 10 feet on center, unless otherwise approved by the Commission/Board. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

1. An earthen berm, wall, or fence of location, height, design and materials approved by the Commission/Board may be substituted for any portion of the required planting or buffer area strip; the substituted berm, wall or fence will not be used to meet the minimum required landscape area of Section 4.6.2.

2. Where the existing topography or landscaping provides adequate screening, the Commission/Board may modify the planting or buffer area requirements.

4.6.6 Interior Parking Lot Landscaping.

In addition, to front landscaped area and buffer area requirements, parking areas will comply with the following minimum standards.

All uses required to provide 20 or more off-street parking spaces will have at least 20 square feet of interior landscaping within the paved portion of the parking a for each parking space. Islands will be provided to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate major access ways through the parking area from parking aisles. Each separate landscaped area will contain a minimum of one hundred (100) square feet, will have a minimum dimension of at least eight (8) feet, will be planted with grass or shrubs, and will include at least one deciduous tree of not less than three (3) inch caliper, at least six (6) feet in height. Interior landscaping will be positioned to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one island for every ten parking spaces should be used for design purposes. No more than fifteen (15) spaces in a row or four rows across will be permitted without an intervening interior landscape area.

A landscaped area will be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area will have a minimum dimension of five (5) feet, will be planted with grass or shrubs, and will include at least one deciduous tree of not less than three (3) inch caliper, at least six (6) feet in height for every fifty (50) feet along the perimeter of the parking area. Where appropriately located, the required front landscaped areas and perimeter buffers may be used to satisfy this requirement.

4.6.7 Visual Clearance.

No landscape materials will be located to create a visual hazard for vehicular and pedestrian traffic either within a site or at the intersection of the site access with the public street.

4.6.8 Submission of a Landscape Plan.

As part of or in conjunction with a required site plan, the following formation will be provided concerning site landscaping:

A. Location and description of existing vegetation on site and any proposals to protect and preserve existing vegetation during and after construction.

B. Location and description of existing natural features, including large boulders, rock outcroppings, and water features to be incorporated into proposed site design.

C. Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.

D. A list of plant materials to be used, including size in diameter and height at installation and at maturity; a planting schedule for all plant materials.

E. Proposed treatment of ground surfaces.

F. Methods of protecting landscaping from vehicles.

4.6.9 Requirement for Surety.

The Commission/Board may require a separate bond or other surety against completion of the requirements of this Section.

4.6.10 No Waiver.

In the case of any use for which a Special Permit or Special Exception is required by these Regulations, neither the Commission nor the Board, as the case may be, shall waive specific requirements of this section.

4.7 Pedestrian Circulation.

The Commission/Board may require provisions for safe pedestrian circulation by means of separate walkways, crosswalks, and similar facilities. Such walkways shall be surfaced and maintained for use in all seasons.

4.8 Continuing Character of Obligation.

The requirements of this Article IV, including, but not limited to, the provision of off-street parking and off-street loading, shall be the continuing obligation of the owner of the property upon which any building or use is located as long as such building or use is in existence. It shall be a violation of these Regulations for any owner or person in possession of any property to discontinue, obstruct, alter, fail to maintain or plow, or otherwise render unusable any parking or loading area, maneuvering lane, access drive, or any other requirement of this Article.

4.9 Collective Provision.

Nothing in these Regulations shall be construed to prevent the collective provision of loading areas for two (2) or more adjacent buildings which are physically connected, as in a unified shopping center, mall, office complex; provided the total number of such loading areas shall not be less than the sum of the requirements for the various buildings or uses computed separately. Likewise, nothing in these Regulations shall be construed to prevent the collective provision of off-street parking areas for two (2) or more adjacent buildings or uses; provided the total number of such parking spaces shall not be less than the sum of the requirements for the various buildings or uses computed separately, except as provided in Article IV, Section 4.3 of these Regulations. Further, there shall be no collective provision of off-street parking unless the subject site is under unified ownership or control, or unless suitable perpetual cross- easements are on file or to be filed in the Trumbull Land Records binding multiple property owners to permit unrestricted access and parking on the entire site to the general public, and providing for the maintenance of the parking areas on the total site.

4.10 Shared Use of Parking Spaces.

As part of a Special Permit/ Exception, the Commission/Board may, by specific provision in the motion of approval, permit the same parking space(s) to be calculated for more than one (1) building or use where evidence is provided which indicates that such buildings or uses will have peak occupancy or parking demand during different times of the day or week. In no event shall such joint use reduce the required parking for any building or use by more than twenty-five (25%) percent. Any change in the use of any use or building for which shared parking has been approved shall require approval of the Commission, and may be denied if parking is not adequate in light of the existing or proposed land uses on the site.

ARTICLE V-ADMINISTRATION AND ENFORCEMENT

1. Pending Applications for Building Permits.

Nothing herein contained shall require any change in the location, plans, construction or designated uses of a building for which a building permit has been heretofore issued or for which plans are on file with the Building Official at the time these regulations become effective, provided the entire building shall have been completed in accordance with such permit or plans as thus filed within one year from said effective date.

2. Certificate of Zoning Compliance.

2.1 Issuance and Requirement.

The Zoning Enforcement Officer is hereby authorized to issue a Certificate of Zoning Compliance for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any variance, Special Permit, or Special Exception.

In addition, the Zoning Enforcement Officer is hereby authorized to issue a Certificate of Zoning Compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these Regulations. Such Certificate shall be evidence that such site, use, building or structure is permitted as of right by these Regulations, or is a valid nonconforming use, building or structure, as defined in these Regulations. The Commission may provide for such Certificates to be issued by any person or persons designated by it.

Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a pre-existing use or substitution of an identical use, without the issuance of a Certificate of Zoning Compliance.

2.2 Site Plans.

Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide two (2) complete sets of plans prepared by a Licensed Land Surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than 1" = 40' and all information required by this Section shall be certified to the "Class A-2" standard of accuracy, as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-300b, as amended. Said plan shall

show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, water courses, flood plains, contours at two (2') foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these Regulations, the Trumbull Subdivision Regulations, or the Trumbull Inland Wetlands and Watercourses Regulations, or any permit issued thereunder. The Zoning Enforcement Officer may permit a survey of “Class C” standard of accuracy for buildings, structures, or uses occupying, in the aggregate, no more than five hundred (500) square feet; where there is no reasonable difficulty in determining that adequate separations, and compliance with Trumbull Zoning Regulations and Trumbull Inland Wetland and Watercourses Regulations, can be achieved; or for storage sheds of no more than 10' x 12' and not exceeding 10 feet in building height. Maps to be filed in the Office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to Connecticut General Statutes §11 8, et. seq., as amended.

2.3 Building Plans.

In addition, the property owner shall provide two (2) sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Enforcement Officer may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.

2.4 Application Fees.

Any application for a Certificate of Zoning Compliance shall be accompanied by an application fee which shall be in accordance with An Ordinance Establishing Fees for Planning and Zoning (such fees to be payable at the time of application for Building Permit only, and not at the time of application for Certificate of Occupancy or Certificate of Completion).

2.5 Compliance with Regulations.

No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Trumbull Subdivision Regulations, or the Trumbull Inland Wetlands and Watercourses Regulations, or any permit issued thereunder, is proposed or exists.

2.6 Expiration of Certificate.

For any use for which the issuance of a Certificate of Zoning Compliance, or its predecessor "Zoning Permit" or "Certificate of Use and Compliance" under the language of former Section 8 of these Regulations, is the only requirement under these Regulations (hereafter referred to simply as, "such Certificate"), any such Certificate shall be null and void unless the subject land use is not established, or the subject construction is not completed, within one (1) year from the date of issuance of such Certificate. Such Certificate may be renewed for additional periods of one (1) year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall

require the payment of the application fee prescribed by An Ordinance Establishing Fees for Planning and Zoning.

Notwithstanding the provisions herein for renewal of any Certificate, in accordance with Connecticut General Statutes §8 3(I), any such Certificate issued under this Section 2 after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the issuance of such Certificate; provided, however, that, in accordance with §8 3(j) of the Connecticut General Statutes, for any such Certificate issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the issuance of such Certificate.

2.7 Compliance with Application; Revocation.

All work performed pursuant to a Certificate of Zoning Compliance issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Certificate. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the Certificate has filed with the Zoning Enforcement Officer a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Enforcement Officer may approve minor modifications of an approved foundation location, provided that all provisions of these Regulations, the Trumbull Subdivision Regulations, or the Trumbull Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit issued thereunder, continue to be met.

In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Certificate, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Certificate should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Certificate issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

3. Building Permit.

3.1 Issuance.

In accordance with Connecticut General Statutes §8 3(f), no Building Permit of any kind (including, but not limited to, so called Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the plans submitted to the Building Official conform to these Regulations and any Special Exception, Special Permit, or variance. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Exception, Special Permit, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of the Certificate of Zoning Compliance, or any documents or representations submitted in support thereof, or of these Regulations or any Special Exception, Special Permit, or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Trumbull free access to the site.

3.2 Amendments.

Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Building Permit has been applied for prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 7. See Section 6 for special provisions regarding Special Permits, Special Exceptions, and variances.

4. Certificate of Occupancy.

4.1 Issuance.

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes §8 3(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Special Exception, Special Permit, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as built plan, to the A 2 standard of accuracy, of any septic system design reviewed by the Commission has been submitted to the Zoning Enforcement Officer. Said plan shall certify that the designer of the septic system personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the original design, and said plan shall be prepared and certified by a Connecticut Registered Professional Engineer as to the design of the system, and by a Connecticut Licensed Land Surveyor as to the location of the system. A survey of C 1 standard classification may be substituted where there is no reasonable difficulty in determining that adequate separations, and compliance with Trumbull Zoning Regulations and Trumbull Inland Wetland and Watercourses Regulations, can be achieved. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 8.

5. Appeals of Decisions.

Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of thirty (30) days from the date of any action or decision of the Zoning Agent to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty (30) day period.

6. Special Exceptions, Special Permits, Variances. Filing; Deviations, Amendments, Misrepresentations.

6.1 In accordance with §8-3d of the Connecticut General Statutes, no variance, Special Exception, or Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance, Special Exception, or Special Permit, including the Regulation which is varied in its application or to which a variance, Special Exception, or Special Permit is granted, copies of all plans, specifications and conditions approved by the Commission/Board, and stating the name of the owner of record, is recorded in the Land Records of the Town of Trumbull.

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

6.3 The Commission may by resolution permit the Zoning Agent to authorize minor, non-substantial deviations from approved Special Permits. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Agent to authorize minor, non-substantial deviations from approved variances and Special Exceptions.

6.4 Substantial changes to Special Exceptions, Special Permits, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations.

6.5 In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Special Exception, Special Permit, or variance was incorrect or invalid, the Commission or Board may, following a public hearing with notice to the subject property owner and permit holder, void such approval, and shall state the reasons for such action on the record.

7. Completion of Construction.

For any Special Exception, Special Permit, or variance involving nonresidential property, the applicant shall commence construction of any building or structure, or the establishment of any use, within twelve (12) months of the effective date of such approval; said construction or establishment shall be completed by the applicant, and a Certificate of Zoning Compliance and Certificate of Occupancy, where required, shall be issued, within twenty-four (24) months of the effective date of such approval. Any such approval not completed within the time limits contained in this Section shall be void; provided, however, that the Commission or the Board, as the case may be, may extend these time periods for good cause shown for up to an additional twelve (12) months. For residential property, such approval shall be void within the time limits prescribed for non-residential property, but any re application for such approval shall continue to be governed by the Regulations and zone classification in effect at the time of the original approval.

8. Assurance of Completion; Bonding.

8.1 As a condition of the approval of any Special Exception, Special Permit, or variance, or any approval for filling and/or removal of earth products pursuant to Article IX of these Regulations, the Commission or the Zoning Board of Appeals, as the case may be, shall require that the record owners of the subject property post a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, with the Town in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, of all public improvements, including, but not limited to, street or drainage improvements, erosion control measures, water supply, site restoration, and any other public improvements required by the Commission/Board in connection with any such Special Exception, Special Permit, variance, or earth product excavation or filling operation. In addition, as a condition of the approval of any Special Exception, Special Permit, or variance, Designed Development Zone, or any approval for filling and/or removal of earth products pursuant to Article IX of these Regulations, the Commission or the Zoning Board of Appeals, as the case may be, may require that the record owners of the subject property post a bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount sufficient to cover the cost of construction of any private site improvements, including but not limited to, drainage, septic facilities, landscaping, walkways, lighting, street furniture, amenities, and any other improvements required by the Commission/Board in connection with any such Special Exception, Special Permit, variance, or earth product excavation or filling operation. Such requirement for bonding shall be determined on the basis of the importance of the completion of such improvements to compliance with the criteria of these Regulations, the extent and expense of such improvements and the potential for occupancy of the site or building in the absence of such improvements. Any bond required under this Section shall be posted prior to the commencement of the subject construction or other activity or use. All such improvements shall be completed prior to the issuance of a Certificate of Zoning Compliance issued at the time of the Certificate of Occupancy, except as provided herein below. Regardless of any bonding required, the developer shall execute an Agreement to Complete Site Improvements in such form as the Town Attorney shall prescribe.

8.2 In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded.

8.3 In the event that the improvements described hereinabove shall not be completed within the time limits contained herein, the Commission, Zoning Board of Appeals, or the Zoning Agent, as the case may be, shall be authorized to utilize the performance bond to complete

such improvements, and to compensate the Town for any administrative expenses incurred in connection with the completion of such improvements.

8.4 Maintenance bonds may be required by the Commission/Board to insure that landscaping material which has been improperly planted or cared for will be replaced; that public improvements have been properly installed; and that other defects which do not appear immediately after completion of construction will be repaired or replaced. All landscaping shall be warrantied for a period of one (1) year after planting, and said warranty shall be secured by a separate cash bond in an amount equal to the cost of the plant material, the labor for installation, plus a five (5%) per cent contingency factor. The amount of said bond shall be to the satisfaction of the Tree Warden. The developer shall execute an Agreement to Complete Landscaping Improvements in such form as the Town Attorney shall prescribe. Maintenance bonds for landscaping and other improvements shall be released or utilized, as the case may be, not more than one (l) year following completion of all improvements, as evidenced by the issuance of a Certificate of Zoning Compliance, or the release of those bonds described in Paragraph 8.2 above, whichever is later.

8.5 All bonds posted in accordance with these Regulations shall be effective at least until the completion of the activity or development which they serve to guarantee. No such bond shall require the Town of Trumbull or any agency thereof to incur any expense or enter into any contract prior to payment of the obligation which such bonds secure. All bonds shall be in such form as the Town Attorney shall require.

9. Curb Cuts.

No person shall create any access or highway intersecting with any Town road, nor alter any such road in a manner so as to interfere with the storm drainage from or onto any Town road without the approval of the Board of Selectmen or its agent, which approval shall be evidenced by a permit from the Board or its agent. The Board or its agent may require additional improvements to insure emergency access to any lot or parcel, to prevent hazards to the users of Town highways, and to prevent drainage, sight line, or other hazards on adjoining properties. All plot plans submitted in accordance with this Article V shall show the exact location of the driveway and all associated or related work to be performed, including all measurements, topography within the public right of way, and materials to be used. The information submitted shall be sufficient to demonstrate compliance with this Section.

10. Enforcement.

The Planning and Zoning Commission shall have full authority, at any time, to appoint or re-appoint a Zoning Enforcement Officer, who shall act on behalf of the Commission. Said officer shall report to the commission, at its public hearing, on a monthly basis, any designated zoning violations within the community or any levels of zoning enforcement that have taken place (effective May 23, 2000).

11. Pre-Application/Preliminary Review Procedure.

The Planning and Zoning Commission may, at their discretion, provide preliminary comments and input on proposals and projects through a pre-application/preliminary review process. Applications for pre-application/preliminary review may include, but are not limited to, proposals to rezone property, proposals to modify zoning regulations, requests for special permits/exceptions, adaptive reuse proposals, subdivisions and open space applications. This process is designed to allow applicants to get a feeling for the concerns of the Commission and to ascertain whether or not the Commission would be likely to approve or deny a particular proposal. Applicants may also gain an understanding of the types of modifications to their proposal that the Commission is likely to request prior to approval.

Applicants who wish to utilize the pre-application process must first submit their proposal to the Planning and Zoning Department at least three weeks prior to a scheduled meeting of the Planning and Zoning Commission and the proposal shall be noticed in the newspaper along with the other Planning and Zoning Commission items that require noticing. No fee will be charged for a pre-application/preliminary review. However, the applicant shall be responsible for paying the cost for newspaper noticing.

The Town Planner will consult with the Planning and Zoning Commission Chairman to make a determination regarding whether a particular proposal would benefit from a preliminary review by the Commission. Due to time constraints at Planning and Zoning Commission meetings, requests for a pre-application/preliminary review procedure may be denied if the Town Planner and Planning and Zoning Commission Chairman determine that it is unnecessary either because the proposal is non-controversial or if they determine that a proposal directly conflicts with Town regulations and is not amenable to modifications that would make it acceptable.

Pre-application/preliminary review discussions will be scheduled on the dates that the Planning and Zoning Commission meets, prior to the official starting time of the meetings. At the discretion of the Planning and Zoning Commission Chairman, they may be limited in time and may be limited to one per meeting due to time constraints. During preliminary review discussions, applicants may present and describe specific project plans or general concepts and the Commission may provide preliminary comments, observations, and questions and/or enumerate areas of concern. The Town Planner will review and may make recommendations to the Commission regarding pre-application proposals.

The discussions that take place during a pre-application/preliminary review will be informal and interactive. Neither the applicant nor the Commission shall be in any way bound by statements made in such informal discussions upon the future receipt of a formal application. The Commission may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State or Federal agencies for review and comment. In general, only the applicant, staff and commissioners should speak during pre-application discussions.

The public may attend pre-application/preliminary review discussions but should not expect to speak at these sessions which are not noticed public hearings and are designed to introduce and discuss preliminary concepts that are subject to change. The Planning Commission Chairman shall have the discretion to allow public comment if he/she believes that special circumstances warrant this.

ARTICLE VI-ZONING BOARD OF APPEALS

1. Powers and Duties of Zoning Board of Appeals:

The Zoning Board of Appeals shall continue to be organized and operated as provided by the General Statutes of the State of Connecticut as amended, and shall, in appropriate cases after public notice and hearing as required by said statutes, have the following powers and duties:

1.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by any official charged with the enforcement of these regulations, including the Building Official to the extent that said officials decision relates to zoning matters.

1.2 To determine and vary the application of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values, solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done, and the public safety and welfare secured. In accordance with Public Act 77 509 (Connecticut General Statutes Section 8 6), the Board is hereby prohibited from approving a variance which has the effect of permitting a use in zones in which such uses are not otherwise allowed by these Regulations. In addition, in accordance with Connecticut case law, the Board is prohibited from varying any condition or requirement set forth in these Regulations for a Special Permit or Special Exception use, such uses being permitted in the subject zone only when all conditions or requirements contained here are satisfied. This provision shall not limit the authority of the Board to vary the Bulk requirements of Article III of these Regulations. [Rev. Eff. July 25, 2008].

Variances shall only be granted where such an action would be in harmony with the purposes of these Regulations, as set forth in Article I, Section 1 of these Regulations; and where the literal enforcement of these Regulations would result in unusual hardship, as the same has been defined by the courts of the State of Connecticut, which may be summarized as follows:

a. The hardship recognized by the law is that of the property, due to its unique shape, topography, or other inherent condition; the personal hardship of the owner, such as age or family condition, is not a legal hardship which would support the granting of a variance. The hardship must not be merely financial, such as that the owner would make more money or lose less money if the variance were granted, as financial hardship is personal, and not inherent in the property itself.

a. The hardship must be unique to the property, in the sense that it is a characteristic which is not exhibited by other properties in the area or in the zone, and which makes it appropriate for special treatment. Merely being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable use permitted in the subject zone.

b. The hardship must not be created by the owner or his/her predecessor in title, such as by dividing a parcel to create lots which cannot support the desired use; or creating a topographic condition by excavation, fill, or other measures which render the property unusable for its highest use without a variance; or by building a structure which, for whatever reason, violates a current zoning regulation.

The burden is on the applicant to demonstrate that the requirements for a variance have been met. Variances are to be granted sparingly, and only to the minimum extent necessary to allow property to be used for the least intense use which is permitted in the subject zone. Among other objectives, the Commission's purpose and intent in the adoption of these Regulations is that variances from the requirements of Section 19, Signs, are rarely, if ever, to be granted since that Section provides adequate means for legitimately identifying uses of land in the Town of Trumbull.

1.3 To hear and decide applications for special exceptions in specific cases as provided in these regulations.

1.4 To prescribe such regulations as it shall from time to time find necessary or desirable to govern the conduct of its business and inform the public of the procedures and requirements in effect relating to the Board’s operations, each such regulation and any amendment or repeal thereof to be filed in the office of the Board as a public record.

1.5 To act on requests concerning the location or construction of, or the relocation, conversion, reconstruction, alteration, or enlargement of any of the following:

a. Gasoline stations or bulk oil storage facilities, pursuant to Connecticut General Statutes Section 14 321.

b. Motor vehicle service or repair shops, pursuant to Connecticut General Statutes Section 14-54.

c. New and used car dealerships including motorcycles and any other self-propelled vehicles used for transportation on public roads, pursuant to Connecticut General Statutes Section 14 54.

d. Motor vehicle storage facilities, pursuant to Connecticut General Statutes Section 14 67.

1.6 To act on any other applications as cited in these Regulations or in any other capacity as determined by the Connecticut General Statutes as amended.

2. Procedures:

2.1 The Board shall hold a public hearing on all applications and appeals, and shall publish a notice of said hearing as prescribed by these Regulations and the Connecticut General Statutes as amended.

2.2 In accordance with Connecticut General Statutes Section 8 6a, whenever an application for a variance is joined with an appeal of any order, requirement or decision of the Zoning Enforcement Officer, the Board shall decide the issues presented in the appeal before considering the variance application.

2.3 The Board shall hold a public hearing, close such hearing, and render its decision on any application within the time limits imposed by Section 8-7d of the Connecticut General Statutes. The Board may reverse or affirm wholly or partly or may modify any order, requirement or decision appealed from, and make such order, requirement or decision as in its opinion should be made. When acting on an appeal from a decision of the Zoning Enforcement Officer, the Board shall have all the powers of such Officer, but only in accordance with Connecticut General Statutes §8 7, and only to the extent that the Board's actions deal directly with the subject of such appeal. Such order, requirement or decision, and any grant of any variance, may be subject to such conditions and restrictions as appear necessary to the Board in order to insure that the granting of the application or petition shall be in harmony with the purposes of these Regulations, as set forth in the Preamble to these Regulations, and as set forth in Section 8 2 of the Connecticut General Statutes. In granting any variance, the Board shall describe specifically the exceptional difficulty or unusual hardship on which its decision is based, and why the granting of the variance is in harmony with the purposes of these Regulations.

2.4 In addition to the legal notice required by the General Statutes, each applicant before the Board shall provide written notice by First Class Mail to the owners of property, as indicated on the most recent Grand List, within one hundred fifty (150) feet of the Lot which is the subject of the pending application for applications in any Residence Zone; and within two hundred fifty (250') feet of the Lot which is the subject of the pending application for applications in all other Zones. Said notices shall be mailed no less than twelve (12) days prior to the opening of any public hearing before the Board. No less than five (5) days prior to the opening of the public hearing, the applicant shall submit a list of all property owners to whom the notice has been sent. The mailing of said notices shall be evidenced by a certificate of mailing from the United Stated Postal Service (Rev. Eff. July 25, 2008).

2.5 Any variance or exception in the use of buildings or land which is granted by the Board shall be placed upon the Land Records of the Town of Trumbull by recording a copy of the variance or exception with the Town Clerk or as otherwise provided by the Connecticut General Statutes as amended.

2.6 The Board shall adopt such procedure as may be necessary to carry out the provisions of this Section. [Entire Sect. revised effective 2-19-2008, except as otherwise noted].

ARTICLE VII-SALE OF BEER, ALE, WINE, AND ALCOHOLIC LIQUOR

1. Procedure.

No building or premises shall hereafter be used either in whole or in part for the purpose of selling any alcoholic liquor, beer, ale or wine under any permit unless such premises are located in a district appropriate for the class of permit sought in accordance with these regulations, and until said premises shall have been approved by the Planning and Zoning Commission, as hereinafter provided.

Applications for approval of premises by the Commission shall be made on a form supplied by the Commission, describing the proposed location and supplying such other pertinent information as the Commission may require.

No application shall be approved until the Commission shall have held a public hearing thereon. The affirmative vote of a majority of all the members of the Commission shall be required for approval of a permit. Upon the approval or disapproval of a location by the Commission, the Commission shall enter the reason for its action upon its records.

In determining whether or not an application shall be approved, the Commission shall take into consideration the proximity of the premises to churches, schools or any places frequented by minors, together with the number of premises having permits of any type in the immediate neighborhood. The Commission is authorized to consider the character of, the purpose of the number of all approved permit locations in the neighborhood concerned, and the effect which a new permit location may have on such a neighborhood.

The Commission shall signify its approval by a certification to that effect endorsed by the chairman of the Commission upon the application. Upon such certification, the chairman shall make the endorsement required upon applications to the Liquor Control Commission as set forth in Section 5.

2. Zones in Which Permit Premises May Be Located.

No building or premises shall hereafter be used either in whole or in part for the sale as packaged merchandise, for consumption on the premises, or otherwise of alcoholic liquor, wine, beer or ale except in accordance with the following:

1. Premises to be operated under permits authorizing the consumption of alcoholic liquor, beer, ale or wine on the premises may be located in any Commercial Zone or in a Full Service Restaurant located in any Industrial Zone as provided for under Article II.

2. Premises to be operated under a permit authorizing the sale of alcoholic liquor, beer, ale or wine other than for the consumption on the premises may be located in any Commercial Zone.

3. Prohibitions.

The sale of alcoholic liquor, beer, ale or wine in any residential or industrial zone (except as provided for in Article II) is prohibited except one day permits for sale of beer or for retail sale of liquor by the drink in conjunction with picnics, outings or functions sponsored by a Bona Fide Non-Profit Organization.

4. Certification.

When a municipal officer is asked or required under provisions of the Liquor Control Act or any regulation thereunder to certify that the sale of alcoholic liquors, beer, ale or wine is not prohibited by local ordinance or regulation at the location for which an application to the Liquor Control Commission is being made, or for any other purpose in connection with said location, such certification shall be made by the chairman of the Commission, and a copy of such certification shall be filed in the records of the Commission.

5. Nonconforming Uses.

No building or premises devoted to a nonconforming use in any residential zone shall be used for the sale of alcoholic liquor under any tavern, restaurant, package store, drug store, manufacturer or wholesale permit issued by the Liquor Control Commission of the State of Connecticut.

6. Grocery Store Beer Permits and One Day Permits.

The chairman of the Commission may approve without a hearing applications for grocery store beer permits and applications for one day permits for the sale of ale or beer, or for the retail sale of liquor by the drink in conjunction with picnics, outings or functions sponsored by a bona fide non-commercial civic or religious organization.

7. Change of Class of Permits.

No building or premises devoted to a business or use operating under one class of permit shall be changed to any other business or use under another class of permit without the prior approval of the Commission upon application therefor.

8. Change of Location.

If the holder of any permit issued by the Liquor Control Commission changes the location of the permit, the new location must first be approved as provided in Section 1 of these regulations. If the Liquor Control Commission grants such permit for a new location, the old location shall not again be used for the sale of alcoholic liquor, wine, ale, or beer unless approval is obtained as provided in Section 1 of these regulations.

9. Premises Not Ready For Occupancy.

Any Premises not ready for occupancy as a liquor outlet at the time application for approval is filed shall be complete and ready for such occupancy not later than 6 months from the date upon which the application is approved, provided that, in the event that approval is required from the Zoning Board of Appeals prior to construction, said premises shall be ready for occupancy not later than 6 months from the effective date of such approval.

10. Waivers.

Application for waivers of the provisions of this Article shall not be approved by the Zoning Board of Appeals until an application has been filed with and determined by the Commission as provided in Section 1 of this article.

11. Discontinuance.

No building or premises in which the sale of beer, ale, wine or alcoholic liquor is abandoned for a period of 90 days shall thereafter be used for the purpose of selling any beer, ale, wine, or alcoholic liquor except upon application to, and approval by, the Commission in compliance with paragraph 1 hereof.

12. Severability.

If any provision of this article be adjudged invalid or unconstitutional, such adjudication shall apply only to the provision thus adjudged, and the remainder of these regulations shall be deemed valid and effective.

ARTICLE VIII-USES PROHIBITED IN ALL ZONES

No Building, Structure or Premises shall be occupied or used in any zone, whether on public or private land for any of the follow specified uses:

1. Abattoir, slaughterhouse or stockyard.
2. Junk Yards, including but not limited to, the storage or processing of any type of scrap or junk.
3. Incineration, reduction of or dumping of offal, garbage or refuse on a commercial basis, except where controlled by the town.
4. Sewage disposal plant except where controlled by the town.
5. Storage of fuel oil or gasoline, except as incident to retail sale or for use on the premises, all in accordance with applicable laws and regulations.
6. Used car lots.
7. The parking of a trailer or maintenance of a trailer camp when used for human occupancy, excepting there from Article II, Section 1.1.2 Paragraph 5.
8. Penal or correctional institutions.
9. Advertising Signs (Billboards); Flashing Signs; Moving Signs; Sky Signs; or Roof Signs.
10. Other Signs except as permitted by these Regulations.
11. Sale, storage or reduction to junk metal or automotive vehicles of all kinds or the sale or storage of parts thereof.
12. Any use which includes the removal from the premises of top soil, sand, gravel, or other natural resources, other than as permitted under Article IX of these Regulations.
13. Any trade, industry or use similar to those prohibited above and any trade, industry or use dangerous by reason of fire or explosion or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise or vibrations, and any trade, industry or use which by reason of noise, vibration, dust odors, smoke, fumes, wastes, refuse matter is unusually dangerous or offensive or detrimental to the health, sanitation or comfort of the inhabitants of the Town of Trumbull.
14. The keeping of horses, livestock, pigeons and all other animals on premises other than household pets which shall be defined as meaning those ordinarily housed within a dwelling, except that Chicken Coops are permitted within residential zones (Zones A, AA and AAA) pursuant to the regulations in those zones.
15. The sale, exhibition for sale, or exhibition for the purpose of taking orders for the sale thereof of goods, wares, merchandise, agricultural and nursery products by a transient merchant. This section shall not apply to local non-profit organizations, and regularly scheduled route salesman.
16. Any use, not expressly permitted in these Regulations, is prohibited, unless otherwise allowed by the Commission in accordance with these Regulations.

ARTICLE IX-TOPSOIL SAND, GRAVEL OR OTHER NATURAL RESOURCES

1. General.

Loam, topsoil, sand, gravel, clay or stone may be excavated, or removed from any lot, and land may be regraded or filled, subject to Special Permit in accordance with Article XV of these Regulations and, in addition, the provisions of this Article IX.

2. Exceptions

a. Excavation, removal, regrading or filling in conjunction with an approved Special Permit provided that the activities are clearly indicated in both the application and on the plans approved by the Commission and that no more than 1,000 cubic yard of material are deposited or removed.

b. Excavation, removal, regrading or filling in conjunction with an approved subdivision grading plan provided that no more than 5,000 cubic yards of material are deposited or removed.

c. Excavation, removal, regrading or filling in conjunction with and clearly essential to the construction or alteration of a building or structure on the same premises for which a building permit and/or health department permit have been issued provided that no more than 1,000 cubic yards of material is deposited or removed, exclusive of that earthwork falling within the area delineated by the footprint of the structure.

d. Incidental excavation, removal, regrading or filling in connection with maintenance or landscaping, provided that no more than 250 cubic yards of material is deposited or removed.

e. Agricultural excavation, regrading or filling operations provided that no more than 250 cubic yards of material are deposited or removed.

3. Application.

Before any Special Permit shall be granted a written application shall be submitted to the Commission by the property owner or by his authorized agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut as prescribed by the State Board of Registration and showing the following:

a. The boundaries of the property where the excavation, regrading, removal or filling is proposed and the area to be excavated or filled.

b. Existing contours in the area to be excavated, regraded or filled and proposed contours after completion of excavation, regrading or filling, which contours shall be prepared from an actual field survey, based on

benchmark noted and described on the map and drawn to a scale of not less than 50 feet to the inch with a contour interval not to exceed five feet.

c. Existing and proposed storm drainage structures and the location of any drainage easements or flowage rights.

d. If the site is in or adjacent to a Flood Plain Zone or Flood Hazard Area, methods of controlling or preventing flood damage.

e. Methods of preventing soil erosion and siltation during and at the completion of the operation, as required by Article X of these Regulations.

f. Names of the applicant and owner of the land.

g. Existing rivers, streams, water courses and/or wetlands on or adjacent to the premises.

h. Adjoining lot lines with names of owners of record, per the most recent Grand List, of adjacent land.

i. Street lines and street names.

j. Proposed vehicular access to a street.

k. The location of any wooded areas, major trees and existing and/or proposed buildings or structures on the site.

l. The Zoning District of the property and adjoining properties.

m. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed and an estimate of the time necessary to complete the operation.

n. An estimate of the number, types, and hours of operation of trucks and other machinery to be used on the site and the locations and types of any buildings, including temporary buildings, to be erected.

o. The proposed hours of operation and the number and type of equipment and vehicles to be used in the excavation.

p. Details of proposed blasting and storing of explosives.

q. A reuse plan depicting how the property can be used for a use permitted in the zone upon the completion of the excavation. In doing so, the applicant shall demonstrate that the proposed grading plan represents the minimum disturbance to make the site useable in the future.

r. The proposed haul route(s) to and from the excavation to the intended destination(s) for materials removed from or brought into the site.

4. Other Requirements of Application

a. An application fee in accordance with these Regulations or Town Ordinances, as applicable.

b. Submission of additional information on soil conditions, locations and depth of rock ledge, ground water conditions and other such information - before and after a proposed development - as is deemed necessary by the Commission to make a reasonable review of the application.

5. Standards.

The Commission may grant a Special Permit for a limited period of time, not exceeding two years, if it shall find that such excavation, regrading, removal or filling will not result in the creation of any sharp declivities, pits, or depressions, or create any drainage or sewage problems or other conditions which would impair the use of the property in accordance with these Regulations and that such excavation, regrading, removal or filling will be in harmony with the general purpose and intent of these Regulations. A Special Permit shall be granted only upon the following conditions:

a. No screening, sifting, washing, crushing or other processing shall be conducted on the premises unless located in an industrial zone or unless approved as part of a Special Permit in accordance with this Article IX.

b. No building shall be erected on the premises except as temporary shelter for machinery and for a field office which shall be removed on or before the time that the permit expires.

c. There shall be no excavation within 20 feet of any street line or 20 feet of any other lot line, except to an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line. The requirement prohibiting exhibiting excavation within 20 feet of a lot line shall not apply in the event that a joint application is filed by the adjoining property owners and approved by the Commission.

d. Proper drainage shall be provided to prevent the collection and stagnation of water.

e. No sharp declivities, pits, depression or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical rise to

three feet of horizontal distance, unless expressly approved by the Commission.

f. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a minimum depth of four inches in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that to be used on-site for erosion control or landscape purpose.

g. When the excavation, regrading, removal or filling operations have been completed, the excavated, regraded, or filled area and other vegetated areas destroyed by the excavation, regrading, or filling process shall be seeded with a perennial rye grass or similar planting.

h. During the time of the operation, barricades or fences for the protection of the public shall be erected if deemed necessary by the Commission.

i. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.

j. The completed excavation, regrading or fill area shall not impair the future use of the property in accordance with these Regulations the slopes and banks will not impair good development and safe use of the property after the excavation or filling.

k. The premises shall be excavated, regraded or filled in conformity with the plan as approved.

l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris is allowable as fill when mixed with enough gravel or filler to create fill which is void of air pockets.

6. Procedures

a. The Commission may refer any application to the Regional Planning Agency, the Aquarian Water Company, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matter that are of concern to it in connection with its own responsibility.

b. The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.

c. The Commission may, after the public hearing, grant a permit for a period of time not to exceed two years. The Commission may renew a permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, regrading or filling already completed conforms with the approved plans. Said renewal may be granted by the Commission in accordance with the procedures and standards of these regulations, based upon updated maps and data.

d. As an additional condition for granting of a special permit, the Commission may require the applicant to submit periodic reports of progress of the excavation, regrading, removal, or filling including contours and cross sections, prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time the Commission finds that the excavation, regrading removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved the Commission may, after notice and opportunity to be heard for the permit holder and property owner of record, revoke the permit.

e. The applicant shall file with the Commission a performance bond by cash, letter of credit, or passbook and in a form acceptable to the Commission, or its designated agents, in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions of approval. No excavation, regrading, removal or filling operation shall begin until such bond is received by the Commission.

f. The Commission may approve any application for Special Permit under this Article IX subject to any conditions or modifications as will protect the public health, safety, and welfare. Such conditions may include, but are not limited to, hours and days of operation, specification of truck routes, and installation of landscaped buffers, dust control measures, soil testing for contaminants, and groundwater monitoring.

ARTICLE X-SEDIMENT AND EROSION CONTROL REGULATIONS

1. Purpose.

The purpose of these Sediment and Erosion Control Regulations is to reduce accelerated soil erosion; reduce the danger from storm water runoff and to minimize nonpoint sediment pollution resulting from land being developed.

2. Activities Requiring a Sediment and Erosion Control Plan (S&E Plan).

An S&E Plan shall be submitted for approval by the Town Engineer for any of the following:

a. Development of land when the disturbed area of such development is cumulatively more than one-half (½) acre;
b. Removal of trees on “steep slopes” (meaning slopes that are fifteen percent (15%) or greater in grade);
c. “Clear cutting” of land (meaning the practice in which most or all trees in an area of 10,000 square feet or more are uniformly cut down); or
d. When requested by the Town Engineer.

3. Exemptions.

Unless otherwise required by the Town Engineer, a single-family dwelling that is not a part of a subdivision of land shall be exempt from these Sediment and Erosion Control Regulations.

4. Procedure.

All S&E Plans shall be submitted to the Town Engineer for approval prior to construction activity or prior to the issuance of a Zoning Permit or, if applicable, simultaneously with the filing of any application with either the Planning and Zoning Commission or the Zoning Board of Appeals. The Town Engineer shall review the plan to determine compliance with provisions of this Section and shall inform the appropriate authority and the applicant of his/her recommendation or approval, as the case may be. Upon receipt of the Town Engineer’s approval, the Zoning Enforcement Officer or Town Planner shall certify that the plan complies with the requirements of this Section.

5. Inspection.

Following the Town Engineer’s approval of the S&E Plan and based on the schedule identified on said plan, the Zoning Enforcement Officer and/or the Town Engineer shall have the authority to inspect the site to ensure compliance with said plan.

6. Standards.

Any S&E Plan submitted pursuant to this Section shall include but not be limited to the following:

(a) The cumulative area(s) of disturbance, including any areas of excavation, filling or stockpiling of earth material;

(b) Existing and proposed grades or spot elevations;

(c) Location of any inland wetlands, watercourses, existing or proposed drainage facilities on or adjacent to the site;

(d) Anticipated start and completion dates;

(e) Agent's name;

(f) Sequence for installation of soil erosion and sediment control measures;

(g) The minimum Soil Erosion and Sediment Control Plans shall be developed using the principles outlined in the Connecticut Guidelines for Soil Erosion and Sediment Control;

(h) With respect to the activities of removal of trees on "steep slopes" (Section 2(b) above) and/or "clear cutting" (Section 2(c) above), (i) the S&E Plan shall identify the existing trees and the trees to be removed including the number, size (caliper), location, and species of the trees and (ii) if necessary to reduce accelerated soil erosion and storm water runoff, the Town Engineer may require that the S&E Plan limit the number of trees to be removed and/or include a planting plan.

(i) A bond may be required in accordance with the following Section 7.

7. Bond.

The Commission, the Board, the Town Engineer, the Town Planner or the Zoning Enforcement Officer, as the case may be, may require the posting of a bond to assure compliance with the Soil Erosion and Sedimentation Control Plan.

ARTICLE XI-FLOOD DAMAGE PREVENTION ORDINANCE

1. Statutory Authorization, Findings of Fact, Purpose and Objectives

1.1 Statutory Authorization

The Legislature of the State of Connecticut has in Section 7-143 [c] (7) of the Connecticut General statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Planning and Zoning Commission of the Town of Trumbull, Connecticut does ordain as follows:

1.2 Findings of Fact

(1) The flood hazard areas of Trumbull are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

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 by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To insure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 Methods of Reducing Flood Losses

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

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

2. 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 it's most reasonable application.

"**Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"**Appeal"** means a request for a review of the Town Engineer's interpretation of any provision of this ordinance, or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area designated as Zones A and AE on the Flood Insurance Rate Map.

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

“Basement” means that portion of a building having its floor sub grade (below ground level) on all sides.

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

“Building” means any structure built for support, shelter, or enclosure for any occupancy or storage.

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

“Development” means any man-made change to improved or unimproved real estate, including but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities located within the areas of special flood hazard.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date, November 3, 1979, of the floodplain management ordinance adopted by the community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency (FEMA)" means the federal agency that administers the National Flood Insurance Program (NFIP).

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

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal water and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Emergency Management Agency had delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" (FIS) means the official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Insurance Rate Map, and the water surface elevations of the base flood.

"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.

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

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

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

“**Lowest Floor”** means the lowest floor of the lowest enclosed area (including basement).

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, trailer parks, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

“Manufactured Home Park or Subdivision” means a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the value of the structure shall be determined by the appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

“Mean Sea Level” means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“New Construction” means structures for which the “start of construction” commenced on or after November 3, 1979, the effective date of this ordinance (not the revision date).

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, November 3, 1979, of the floodplain management regulation adopted by the community.

"**Recreational Vehicle"** means a vehicle which is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection;

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.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [P.L. 97-348]), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 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.

"Structure" means a walled and roofed building or mobile home that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure taking place within a 10 year period, the cost of which equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be:

1) The appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or

2) If the structure has been damaged and is being restored, before the damage occurred. 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 include either:

1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

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

"Water Surface Elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal and riverine areas.

3. General Provisions

3.1 Lands to which This Ordinance Applies:

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the town of Trumbull, Connecticut.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Fairfield County, Connecticut, dated June 18, 2010, and accompanying Flood Insurance Rate Maps (FIRM), dated June 18, 2010, and other supporting data applicable to the Town of Trumbull, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. Since mapping is legally adopted by reference into this ordinance it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The special flood hazard areas include any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Special Flood Hazard Areas are determined utilizing the base flood elevations (BFE) provided on the

flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The elevation of the base flood (100 year flood) shall be known as the base flood level. The Flood Insurance Study is on file at the Trumbull Town Clerk's Office, Trumbull Town Hall, 5866 Main Street, Trumbull, CT 06611.

3.3 Penalties for Non-Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor and shall be enforced by the Town Engineer in Accordance with the provisions of Section 8-12 of the Connecticut General Statutes or as the same may be amended from time to time.

Nothing herein contained shall prevent the Town Engineer or the Town from taking such other lawful action as is necessary to prevent any violation.

3.4 Abrogation and Greater Restrictions

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

3.5 Interpretation

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

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 Warning and Disclaimer of Liability

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

4. Administration

4.1 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Town Engineer and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any structure has been flood proofed;

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in Section 5.2-2; and,

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 Designation of the Town Engineer

The Town Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 Duties and Responsibilities of the Town Engineer

Duties of the Town Engineer shall include, but not be limited to:

4.3-1 Permit Review

(1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied and to determine whether the posed building site will be reasonably safe from flooding.

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3(1) are met.

4.3-2 Use of Other Base Flood Data

When base flood elevation and floodway data have not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2 through Section 5.5.

4.3-3 Information To Be Obtained and Maintained

(1) Obtain and record the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new substantially improved flood proofed structures:

(i) Verify and record the actual elevation (in relation to mean sea level); and

(ii) Maintain the flood proofing certifications required in Section 4.1(3).

(3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 Alteration of Watercourses

(1) Notify adjacent communities and the Connecticut Department of Environmental Protection, Inland Water Resources Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 Variance Procedure

4.4-1 Appeal Board

1. The Zoning Board of Appeals as established by the Town of Trumbull shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town Engineer in the enforcement or administration of this ordinance.

3. Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Courts under the same procedure as set for in the Connecticut General Statutes for zoning appeals and as the same may be amended from time to time.

4. In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

6. The Town Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions for variances

1) Generally, variances may be issued for new constructed and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (I-xi) in Section 4.4-1 (4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.1-4 (4), or conflict with existing local laws or ordinances.

6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5. Provisions for Flood Hazard Reduction

5.1 General Standards

In all areas of special flood hazards the following standards shall be met:

5.1-1 Anchoring

1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(i) over-the-top ties be provided at each of the four corners of the home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;

(ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(iv) Any additions to the manufactured home be similarly anchored.

5.1-2 Construction Materials and Methods

1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent

water from entering or accumulating within the components during conditions of flooding.

5.1-4 Subdivision Proposals

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

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

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

4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 Flood Carrying Capacity

In any portion of a watercourse which is altered or relocated, the flood carrying capacity shall be maintained.

5.2 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, Section 4.3-2, Use of Other Base Flood Data, or Section 5.1-4(4) Subdivision Proposals, the following standards shall be met:

5.2-1 Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Within any AO Zone on the Flood Insurance Rate Map all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the crown of the nearest street to or above the depth number specified on the rate map. The elevation of the crown of the nearest street must be at or higher than the highest adjacent grade surrounding the structure. On-site drainage for all proposed structures in AO Zones located on slopes shall provide adequate drainage paths to guide floor waters around and away from such structures.

5.2-2 Non-residential Construction

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and within any AO Zone on the Flood Insurance Rate Map shall have the lowest floor (including basement) elevated or flood proofed to the crown of the nearest street to or above the depth number specified on the rate map (the elevation of the crown of the nearest street must be at or higher than the highest adjacent grade surrounding the structure); or,

1) Together with attendant utility and sanitary facilities, be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; and

2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects 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. Such certification shall be provided to the Town Engineer as set forth in 4.3-3(2).

On-site drainage for all proposed structures in AO Zones located on slopes shall provide adequate drainage paths to guide flood waters around and away from such structures.

5.2-3 Manufactured Homes

All manufactured homes (including "recreational vehicles"), placed on a site for 180 consecutive days or longer) to be placed or substantially improved (including manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood) shall be:

1) Elevated so that the lowest floor is above the base flood elevation.

2) Placed on a permanent foundation which itself is securely anchored and to which 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.

3) Installed using methods and practices which minimize flood damage. Elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcement for piers more than six feet above ground level.

4) Adequate access and drainage should be provided.

5) Recreational vehicles on site for fewer than 180 consecutive days must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

5.3 Base Flood Elevation and Floodway Data

The Town Engineer 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 Section 5.1-4(4) of this ordinance, as criteria for requiring that new

construction, substantial improvements, or other development in Zone A on the Community's FIRM meet the standards in Sections 5.1 through 5.5 hereof.

5.4 Standards for Streams Without Established Base Flood Elevations and/or Floodways.

In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. Should data be requested and/or provided, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

5.5 Floodways

Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydraulic and hydrologic analysis performed in accordance with standard engineering practices that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge.
2) If Section 5.5(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5 PROVISIONS FOR FLOOD HAZARD REDUCTION.
3) Prohibit the placement of any mobile/manufactured homes.

5.6 Equal Conveyance.

Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

5.7 Compensatory Storage.

The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be

compensated for by deepening and/or widening of the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

5.8 Aboveground Storage Tanks

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

5.9 Portion of Structure in Flood Zone

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

5.10 Structures in Two Flood Zones

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

5.11 No Structures Entirely or Partially Over Water

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

ARTICLE XII-WIRELESS TELECOMMUNICATION FACILITIES,

TOWERS, ANTENNAS, AND SATELLITE DISHES

1. Preamble

The purpose of regulating Wireless Telecommunication Facilities and Towers is to:

1. Preserve the character and appearance of the Town of Trumbull while allowing adequate Wireless Telecommunication Services to be developed.

2. Protect the scenic, historic, environmental, and natural or man-made resources of the community.

3. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification, and removal of Wireless Telecommunication Facilities.

4. Establish a systematic review process that ensures action within a reasonable period of time for requests for authorization to place, construct, operate, or modify Wireless Telecommunication Facilities.

5. Preserve property values.

6. Minimize the total number and height of towers throughout the community.

7. Locate towers so that they do not have negative impacts, such as, but not limited to, attractive nuisance, noise and falling objects, on the general safety, welfare, and quality of life of the community.

8. Require owners of towers and Wireless Telecommunication Facilities to configure them so as to minimize and mitigate the adverse visual impact of the towers and facilities.

9. Require facility co-location where possible.

2. Consistency with Federal Law

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:

1. They do not prohibit or have the effect of prohibiting the provision of Wireless Services.

2. They are not intended to be used to unreasonably discriminate among Wireless Telecommunications Services.

3. They do not regulate Wireless Services on the basis of environmental effects of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC regulations concerning such emissions.

4. Decisions will be made within a reasonable period of time. Rejections will be in writing and supported by substantial evidence in a written record.

3. Relevant Definitions

In addition to the terms defined in Article I, the following definitions pertain specifically to Article XII:

Act: The Telecommunications Act of 1996.

Adequate Coverage: Coverage is considered to be "adequate" within that area surrounding a Base Station where the predicted or measured median field strength of the transmittal signal is greater than or equal to -90 dbm for at least 75% of the intended coverage area. It is acceptable for there to be holes within the area of Adequate Coverage where the signal is less than -90 dbm, as long as the signal regains its strength to greater than or equal to -90 dbm further away from the Base Station. For the limited purpose of determining whether the use of a Repeater is necessary or desirable, there shall be deemed not to be Adequate Coverage within said holes. The outer boundary of the area of Adequate Coverage, however, is that location past which the signal does not regain a strength of greater than or equal to -90 dbm.

Adequate Capacity: Capacity is considered to be "adequate" if the Grade of Service (GOS) is p.05 or better for median teletraffic levels offered during the typical busy hour, as assessed by direct measurement of the Wireless Telecommunication Facility in question. The GOS shall be determined by the use of standard Erlang B calculations. As call blocking may occur in either the land line or radio portions of a wireless network, Adequate Capacity for this regulation shall apply only to the capacity of the radio components. Where capacity must be determined prior to the installation of the Personal Wireless Services Facility in question, Adequate Capacity shall be determined on the basis of a 20% busy hour (20% of all offered traffic occurring within the busiest hour of the day), with total daily traffic based on aggregate estimates of the expected traffic in the Coverage Area.

Antenna: A device which is attached to a Tower, or other structure for transmitting and receiving electromagnetic waves.

Available Space: The space on a Tower or structure to which Antennas of a Wireless Telecommunication Provider are both Structurally Able and Electromagnetically Able to be attached and which is available for rental to the applicant at fair market prices and terms, and on which space and location will provide necessary coverage.

Base Station: The primary sending and receiving site in a wireless communications network. More than one Base Station and/or more than one variety of Wireless Telecommunication Provider can be located on a single Tower or structure.

Cable Microcell Integrator (CMI): A very low power (typically one or two watt output per channel) transceiver (transmitter/receiver) attached to, and interfaced with, the cable TV infrastructure. (See Personal Communications Services).

Channel: The segment of the radiation spectrum which carries one signal. An antenna may simultaneously transmit and/or receive multiple channels.

Communication Equipment Shelter: A structure located at a Base Station designed principally to enclose equipment used in connection with Wireless Telecommunication transmissions.

dBm: Unit of measure of the power level of an electromagnetic signal at the input of a receiver, given its antenna system gain at a particular frequency, expressed as decibels (dB) above one milliwatt. Signal predictions with this measure are valid at a particular frequency, and ambiguous unless all receivers, antenna combinations, and operating parameters are identified.

dBu: Unit of Measure of the power level of an electromagnetic signal, expressed as decibels (dB) above one millivolt per meter, an absolute measure for describing and comparing service areas, independent of the many variables (see dBm) introduced by different receiver configurations. This unit should be used for coverage prediction plots.

Electromagnetically Able: The determination that proposed antenna(s) meet manufacturers' minimum separation recommendations, given the location and operating parameters of existing and proposed antennas.

EMF: Electromagnetic Fields, often expressed in wavelengths or frequencies to indicate their placement on the electromagnetic spectrum. The radio frequencies usually radiate away from their generating source--hence wireless capability. The radio frequencies are identified between 3 kilohertz to 300 gigahertz, and include AM and FM radio, TV, radar, cellular/PCS technologies, emergency fire and police, paging services, and satellite broadcasting among many others. Microwaves are a portion of the radio frequencies.

Facility Site: A property, or any part thereof, which is owned or leased by one or more Wireless Telecommunication Providers and upon which one or more Wireless Telecommunication Facility(ies) and required landscaping are located.

FCC: Federal Communications Commission. The government agency responsible for regulating telecommunications in the United States.

GHZ: Gigahertz: One billion hertz.

Grade of Service: A measure of the percentage of calls which are able to connect to the Base Station during the busiest hour of the day. Grade of Service is expressed as a number, such as p.05, which means that 95% of callers will connect on their first try. A lower number (p.01) indicates a better Grade of Service.

Hertz: One hertz is the frequency of an electric or magnetic field which reverses polarity once each second, or one cycle per second.

Major Facility Modification: Any increase in tower dimension, height, marking or lighting; any increase in the number of, or radiation-center change greater than two feet, of antennas; or any change in antenna type or radome use which increases tower wind loading.

MHZ: Megahertz: One million hertz.

Monitoring: The measurement, by the use of instruments in the field, of the electromagnetic radiation from a site as a whole, or from individual Wireless Telecommunication Facilities, Towers, Antennas, or Repeaters.

Monitoring Protocol:Testing and monitoring using methods in accordance with National Council on Radiation Protection and Measurements Reports 86 and 119, FCC Office of Engineering & Technology Bulletin 65, relevant decisions and bulletins at the World Wide Web Site (www.fcc.gov/oet/rfsafety), and Rules & Regulations specified in 47 C.F.R. Part 1-Practice and Procedure, Subpart 1-Procedures Implementing the National Environmental Policy Act of 1969.

Monopole: A single self-supporting vertical pole with no guy wires, usually consisting of a galvanized or other unpainted metal, or a wooden pole.

Personal Communications Services (PCS): Digital wireless telephony services generally utilizing smaller, less powerful, and more numerous cells than conventional cellular services. PCS-Over-Cable and PCS-Over-Fiber utilize CMI transceivers attached to existing Community Antenna Television (Cable TV) coaxial or fiber-optic cable infrastructure.

Personal Wireless Service: Commercial Mobile Services, unlicensed wireless services, and common carrier wireless exchange access services. These services include: cellular services, personal communications services (PCS) Specialized Mobile Radio Services, and Paging Services

Personal Wireless Service Facility (PWSF): All equipment (including any Repeaters) with which a Personal Wireless Service Provider broadcasts and receives the radio-frequency waves which carry their services and all locations of said equipment or any part thereof. This Facility may be sited on one or more Towers or structures owned and permitted by another owner or entity.

Personal Wireless Service Provider: An entity, licensed by the FCC to provide Personal Wireless Services.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to extend service to areas which are not able to receive Adequate Coverage directly from a Base Station, using the same channels as the Base Station.

Signal Propagation Studies: Computer-generated estimates of the signal emanating, and prediction of coverage, from antennas at a specific tower or structure. Topography of the site and its surroundings, antenna type and height above ground, operating frequency and effective radiated power are all taken into account to create these simulations. They are important tools for determining whether a site will provide adequate coverage for the telecommunications facility proposed for that site. Both radial and tiled plots graphically depict coverage prediction, although tiled coverage plots are preferable for comparative analysis.

Structurally Able: The determination that a Tower or structure is capable of carrying the load imposed by the proposed new Antenna(s) under all reasonable predictable conditions, as determined by professional structural engineering analysis.

Teleport: A facility utilizing satellite dish (es) of greater than 2.0 meters in diameter designed for two-way communications with satellites, and intended for use by multiple owners, lessees or rental customers.

Teletraffic: A measurement of the functional service capacity of a communications network. Teletraffic refers to the calculation of usage levels and service capacities of communications networks and does not refer to pedestrian or vehicular traffic.

Temporary Facility: Any tower, pole, antenna, etc., designed and intended for temporary testing purposes, for use while a permanent facility is under construction or being repaired, or for a special event or conference.

Tower: A lattice structure or framework, or monopole that is designed to support Wireless Telecommunication or other communications system transmission, receiving and/or relaying antennas and/or equipment.

4. Permitted and Exempted Uses

1. Permitted Uses

Towers are permitted in all zones, subject to Special Permit or Special Exception approvals, and compliance with Article XII. Wireless Telecommunication Facilities are permitted in all zones subject to Special Permit or Special Exception approval and compliance with Article XII.

No tower shall be erected, constructed, or installed without first obtaining Special Permit or Special Exception approval. This requirement applies to both new tower construction and major modifications of an existing tower.

No Wireless Telecommunication Facility shall be erected, constructed, or installed without first obtaining Special Permit or Special Exception approval. This requirement applies to both new PWSF's and major modification of an existing PWSF.

An applicant who has previously received a Special Permit or Special Exception for a tower may install one or more additional Repeaters, subject to approval by the Planning and Zoning Commission. There shall be no Teleport(s) within the Town of Trumbull.

2. Exemptions

No Wireless Telecommunication Facility shall be considered exempt from this section of the Zoning Regulations for any reason, whether or not said facility is proposed to share a tower or other structure with such exempt uses.

The following wireless telecommunication facilities are exempt from local Zoning Regulations: police, ambulance and other emergency dispatch, excluding fire.

(1) Pre-Existing Facilities and Towers

Communication facilities and towers built before 1999 are considered pre-existing, nonconforming uses. After enactment of this regulation, any addition or modification to a pre-existing site shall be subject to this

regulation, and must obtain a Special Permit or Special Exception for all subsequent additions or modifications. The owners of any pre-existing telecommunications facilities or towers on the effective date of this regulation shall file with the Clerk of the Planning and Zoning Commission a listing of all tenants and telecommunications facilities located on the towers. Any additions to such facilities approved after the effective date of this regulation shall be subject to the town's monitoring program, along with all new facilities, on an annual basis, with applicable monitoring fees for said sites and facilities.

(2) Town of Trumbull Property

For any wireless telecommunications facilities to be placed on town property, the applicant must obtain a written lease approved by the Planning and Zoning Commission as required by Section 8-24 of the Connecticut General Statutes. In addition, these facilities shall be subject to the town's monitoring program, on an annual basis, with applicable fees.

5. Application Requirements

In addition to all the information and maps required by the Special Permit or Special Exception applications, the applicant shall provide the following:

A. Review by Independent Consultants

For applications involving new tower construction, major modification of an existing tower structure or facility, or construction of a new facility site:

In all cases the applicant shall be required to pay for the cost of the independent RF review. A retainer of $1,500 shall be made to the town prior to the review commencing and the decision being rendered on the application. Sums not expended shall be returned to the applicant; any amount above $1,500 shall be billed to the applicant. The consultants will work under the direction of the Planning and Zoning Commission. Copies of the consultant's findings and reports shall be made available to the applicant not less than five (5) days prior to any meeting of the Commission to consider the consultant's report, and the applicant shall be given the opportunity to respond to said report in writing and at the next hearing when the consultant's report will be considered. The consultants shall each be qualified professionals in one of the following fields:

1. Telecommunications

2. Monitoring of electromagnetic fields

3. Others as determined necessary by the Commission

B. Identification of Carrier

The proposed carrier should be identified as the applicant. If the applicant is not the landowner, the landowner will be considered a co-applicant and must submit the required documentation of these regulations.

C. Access Roads and Underground Utilities

Where new telecommunications towers and facilities require construction of, or improvements to, access roads, to the extent practicable, roads shall follow the contour of the land and be constructed or improved within existing forest fringe areas and not in open fields. Utility or service lines shall be buried underground. The Commission shall request input from the Town Engineer, Chiefs (or their designees) of Fire, Police, and other emergency services regarding the adequacy of emergency access for the planned drive or roadway to the site. The Commission may waive the underground requirement at its discretion.

D. Landscaping/Screening

Screening shall be required at the perimeter of the site. If the tower or facility site is in a wooded area, a natural vegetated buffer strip of undisturbed trees shall be retained for at least 100' in depth, and at least 6' in height at all times around the perimeter, and only minimally disturbed where the access drive is located. If the tower or facility site is not in a wooded area, a vegetated barrier at least 50' deep by 8' high around the perimeter shall be planted by the applicant. It shall be of a type that has the potential to reach a height of at least 30 feet at maturity. Existing vegetation surrounding the site shall be preserved and maintained to the greatest extent possible. All landscaping shall be properly maintained to ensure its good health and viability at the expense of the owner(s). All areas disturbed during project construction shall be replanted with vegetation. Applicant shall obtain a financial surety (to be determined by the Commission) to cover the cost of the remediation on any damage to the landscape which occurs during the clearing of the site. The Commission may require landscaping in excess of any written requirements as is deemed reasonably necessary in order to enhance compatibility with adjacent residential and nonresidential land uses.

E. Fencing and Signs

The area around the tower and communication equipment shelter(s) shall be completely fenced for security to a height of not less than 8' or more than 12', and gated. Use of razor wire is not permitted. A sign of no greater than two (2) square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number, either local or toll-

free, shall be posted adjacent to the entry gate. In addition, “No Trespassing” or other warning signs, and the federal registration plate (where applicable) shall be posted on the fence or as required to meet federal requirements.

F. Building Design

Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other, and shall be no more than 12’ high or 750 square feet. The buildings shall be used only for the housing of equipment related to this particular site. Whenever possible, the buildings shall be joined or clustered so as to appear as one building. Buildings and related structures shall use materials and textures that will blend them into the natural setting to minimize the visual impact. Buildings shall be finished or painted in stealth or neutral color tones.

G. Height of Towers

New towers shall not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. Applicant may submit a request for additional height to accommodate future sharing, and shall provide design information to justify such additional height. In no event shall towers exceed 150’ (unless the applicant can justify additional height) measured from the grade at the base of the tower before construction to the highest point shown on the Facility Plan. The Commission will hire an independent consultant to verify Adequate Coverage and justify tower height.

H. Tower Finish

New tower(s) shall have a galvanized finish unless otherwise required by the Commission. The Commission may require the tower(s) to be painted or otherwise camouflaged to minimize the adverse visual impact.

I. Tower Sharing/Camouflaging

Tower(s) must be of a structural type which will maximize potential sharing. Lattice-type structures are preferred, but where a monopole is required, applicant must demonstrate the future utility of such structure for expansion of service for applicant and other future applicants. The Commission reserves the right to require stealth designs such as towers made to resemble trees or other structures.

J. Use of Repeaters

To minimize the number of required towers, the use of Repeaters to assure Adequate Coverage, or to create Adequate Coverage in the Town of Trumbull from base stations located in other towns, or to fill holes within areas of otherwise Adequate Coverage, is permitted and encouraged. Special Permit application before the Commission shall be required. Applicants shall detail the number, location, power output, and coverage of any proposed Repeaters in their systems and provide engineering data to justify their use.

K. Coverage Area

If primary coverage (greater than 50%) from proposed telecommunications facility is outside of the town of Trumbull, then the permit may be denied unless the applicant can demonstrate an inability to locate within the town which is primarily receiving service from the proposed facility.

L. Commercial Advertising

Commercial advertising shall not be allowed on any antenna, tower, or accessory building or communications equipment shelter.

M. Lighting

No external lighting is permitted, except for manually-operated emergency lights for use only when operating personnel are on site.

N. Noise

Noise-producing equipment shall be sited and/or insulated to guarantee that no increase in noise above ambient levels measured at the property line occur.

O. Air Navigation

No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation Regulations (Title 14 CFR) is permitted.

P. Lot Size/Setback Requirements

Tower setbacks shall be measured from the base of the tower (unless guy-wired) to the nearest point along each property line of the parcel on which it is located.

1. The minimum lot size for any telecommunications tower(s) shall be 10 acres.

2. No Repeater shall be closer than 200’ to a dwelling unit measured at ground level, nor less than 35’ above the ground.

3. Where guy wire supports are used, setbacks will begin at the base of the guy wire anchor(s) to the ground, not at the base of the tower.

4. No telecommunications tower, including guy-wire anchors and protective fencing, if any, shall be located:

a) Closer than 750’ horizontally to any structure existing at the time of application which is used as a primary or secondary residence; to the property of any school (both public and private); to any church; or to any other public building. Primary or secondary residences are those dwelling units that include toilet facilities and facilities for food preparation and sleeping.

b) Closer than 200’ horizontally to any boundary of the property on which the tower(s) are located.

c) Within the habitat of any state-listed rare or endangered wildlife or species.

d) Within 2,000’ of any historic district or property listed, or capable of being listed, on the State or Federal Register of Historic Places.

e) Within 500’ horizontally of any known archaeological site. (The Commission may consult the State Archaeologist as to the archaeological significance of any proposed site.)

f) The Fall Zones for towers shall be at least the height of the tower plus 75 feet.

g) In reviewing the Special Permit applications, the Commission may allow the setback to extend within a neighboring property if it finds that a substantially better design will result from such a reduction. Such neighboring property shall not be developed and will be subject to a legally binding agreement, secured by the applicant, preventing development during the time the tower is in place.

Q. Demonstration of Need

1. The applicant shall provide written documentation of all existing adjacent cells or those within five (5) miles of the proposed site, whichever are closer, in which it has a legal interest, whether by ownership, leasehold, or otherwise. From each such facility site, it shall demonstrate with written documentation that these facility sites are not already providing, or do not have the potential by adjusting the site, to provide adequate coverage and/or adequate capacity to the town of Trumbull.

   If different coverage or capacity criteria are routinely used by an applicant, adequate coverage and/or adequate capacity may be determined using the applicant's criteria, provided that:

   a) The applicant shows and certifies that such coverage and/or capacity criteria are used for the applicant's other facilities, and;

   b) The applicant provides a complete description of the applicant's coverage and/or capacity criteria in a manner suitable for independent review, and;

   c) The town, at its discretion, determines that the use of such criteria is reasonable and does not discriminate against other providers of functionally equivalent services.

2. The documentation shall include, for each facility site listed, the exact location latitude and longitude, to degrees, minutes and seconds, ground elevation, height of tower or structure, types of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, and maximum FCC authorized power output per channel. Potential adjustments to these existing facility site including changes in antenna type, orientation, gain, height or power output shall be specified. Signal Propagation Studies from each of these facility sites, as they exist, and with adjustments as above, shall be provided as part of the application.
3. The applicant shall demonstrate with written documentation that it has examined all towers located in Trumbull and all towers outside of Trumbull that are within five (5) miles of the proposed site, except in cases where the applicant has existing facilities in the same service that are less than 5 miles distant, in which case the shorter distance should be used, in which the applicant has no legal or equitable interest, whether by ownership, leasehold, or otherwise, to determine whether those existing

towers can be used to provide adequate coverage and/or adequate capacity to the town of Trumbull. The documentation shall include, for each tower examined, the exact location in latitude and longitude, to degrees, minutes and seconds, ground elevation, height of tower or structure, type of antennas proposed, antenna gain, proposed output frequency, proposed number of channels, and proposed maximum power output per channel. Signal Propagation Studies from each of these towers, as proposed, shall be provided as part of the application.

In addition, the applicant shall provide a list of all existing sites within a five-mile radius of the proposed location that have been considered as alternative sites.

4. Distance from Existing Tower: The applicant must certify and demonstrate with written documentation that existing towers within two miles of the proposed new tower do not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained.

5. The applicant shall demonstrate with written documentation that it has analyzed the feasibility of Repeaters or non-tower mounted PWSF's in conjunction with all towers listed in compliance with subsections 1 & 2 (above) to provide adequate coverage and/or adequate capacity to the town of Trumbull. Radial plots of all Repeaters considered for use in conjunction with these towers shall also be provided as part of the application.

R. Required Documentation

1. Copies of all submittals and showings pertaining to: FCC construction permit application, permit or license as appropriate for the particular service; environmental impact statements (for towers only); FAA Form 7460-1 (Notice of Construction or Alteration; Aeronautical Studies) for towers only, and all data, assumptions, calculations relating to service coverage and power levels, regardless of whether exemption from FCC environmental rules is claimed.

   Documentation shall include copies of valid FCC license(s) or permit(s) for the proposed use and/or proof that the applicant is the winning bidder for an FCC license(s) or permit(s) at auction, and that the final issuance of the FCC license(s) or permit(s) purchased at auction is pending.

2. Copies of all information submitted in compliance with the requirements of the Connecticut Siting Council and the Connecticut Department of Public Utilities.

S. For New Tower Construction, or Major Modification of an Existing Tower

1. The applicant shall provide a written, irrevocable commitment valid for the duration of the existence of the tower to the extent structurally and electromagnetically able, to rent or lease available space for co-location on the tower at fair-market prices and terms, without discrimination to other Wireless Telecommunication Providers.

2. If the applicant is not simultaneously applying for approval to construct, install, and/or operate a Wireless Telecommunication Facility, it shall provide a copy of its existing lease/contract with a Wireless Telecommunication Provider. A Special Permit or Special Exception shall not be granted for a tower to be built on speculation.

3. The applicant shall provide the following plans and maps:

   a) Location Map: Copy of that portion of the most recent U.S.G.A. topographic map of the 7.5 minute or 7.5 x 15-minute series, at a scale of 1:24,000 or 1:25,000, showing the area within a two-mile radius from the facility. Indicate the site with its latitude and longitude to the nearest tenth of second.

   b) Vicinity Map at a scale of 1" = 200' with contour intervals no greater than 10 feet showing the entire vicinity within a 1,000' radius of the property lines within which the tower site is located, including topography, public and private roads, buildings, bodies of water, wetlands, historic sites, and habitats for endangered species. Indicate the property line of the proposed tower site parcel (from assessor's maps or available surveys). Indicate any access easement(s) or right(s) of way needed for access from a public way to the tower, and the names of all abutters or property owners along the access easement(s) or who have deeded rights to the easement.

   c) Existing Conditions Plan: A recent survey of the tower site at a scale no smaller than 1" = 40' with topography drawn with a minimum of 5' contour intervals, showing existing utilities, property lines, existing buildings or structures, stone walls or fence lines, and wooded areas within a 300' radius from the property line. Show the boundary of any wetlands, flood plains, or watercourses within 300' from the tower or any related facilities or access ways or appurtenances. The survey plan must have been completed, on the ground, by a licensed land surveyor within two years prior to the application date.

   d) Proposed Site Plans: Proposed site layout, grading, and utilities at the same scale or larger than the Existing Conditions Plan.

1. Proposed tower location and any appurtenances, including supports and guy wires, if any, and any accessory building (communication equipment shelter or other). Indicate property boundaries and setback distances to the base(s) of the tower and to the nearest corners of each of the appurtenant structures.

2. Indicate proposed spot elevations at the base of the proposed tower and at the base of any guy wires, and the corners of all appurtenant structures.

3. Proposed utilities, including distance from source of power sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground. Proposed emergency generator, if any, type of fuel to be used, and projected noise levels imposed upon the immediate area.

4. Limits of areas where vegetation is to be cleared or altered, and justification for any such clearing or alterations.

5. Detailed plans for drainage of surface and/or subsurface water; plans to control erosion and sedimentation both during construction and as a permanent measure.

6. A structural professional engineer's written description of the proposed tower and structure and its capacity to support additional antennas or other communications facilities at different heights and the ability of the tower to be shortened if future communications facilities no longer require the original height, and that the tower is designed to withstand winds in accordance with the ANSI/EIA/TIA 222 standards (latest revision).

7. A description of available vertical mounting space on the tower, in feet, including space at the same height as existing antennas for which mounting on an opposite leg or face is feasible.

e) Proposed Tower and Appurtenances

1. Plans, elevations, sections details at appropriate scales, but no smaller than 1” = 10’.

2. Two cross sections through the proposed tower drawn at right angles to each other, and showing the ground profile to at least 100 feet beyond the limit of clearing, and showing any guy wires or supports. Dimension the proposed height of tower above average grade at the tower base. Show all proposed antennas, including their location on the tower.

3. Typical detail of tower foundation, including cross sections and details. Show all ground attachments, specifications for anchor bolts and other anchoring hardware.

4. Detail proposed exterior finish of the tower.

5. Indicate the relative height of the tower to the tops of surrounding trees as they presently exist.

6. Illustration of the modular structure of the proposed tower, indicating the heights of sections which could be removed or added in the future to adapt to changing communications conditions or demands, and the maximum structurally allowable design height of the proposed tower.

f) Proposed Communications Equipment Shelter

Floor plans elevations and cross sections at a scale of no smaller than 1/4” = 1’ of any proposed appurtenant structure.

g) Sight Lines

1. A minimum of eight (8) view lines in a zero (0) to two (2) mile radius from the site, shown beginning at True North and continuing clockwise at forty-five degree intervals.

2. A plan map of a circle of two (2) miles radius of the facility site on which any visibility of the proposed tower from a public way shall be indicated.

3. Applicant shall utilize the most recent U.S.G.S. topographic map of the 7.5-minute or 7.5 x 15-minute series, at a scale of 1:24,000 or 1:25,000, or digitized terrain data acceptable for FCC filings, to prepare profile drawings, corrected for 4/3 earth radius. The horizontal scale of 1" = 400' shall indicate distance from the site. The vertical scale of 1" = 40' shall indicate height above mean sea level, and this axis shall begin at the lowest profile elevation. Trees shall be shown at existing heights.

4. The applicant shall submit scaled overlays on photographs of the existing site to demonstrate any potential visual or aesthetic impacts on any adjacent residential districts.

h) Balloon Test

This test shall be performed for new towers or an increase of twenty feet or more to an existing tower. Within seven (7) days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height of the proposed tower. The date, time, and location of this balloon test shall be advertised, by the applicant, at least 7 and no more than 14 days in advance of the test date in a newspaper with a general circulation in the town of Trumbull. The applicant shall inform the Planning and Zoning Commission in writing of the date and time of the test at least 7 days in advance. The balloon shall be flown from 9:00 a.m. to 5:00 p.m. (4:00 p.m. during winter months) for five consecutive days (including one weekend day).

In the event of the need for a follow-up test due to poor weather conditions, the applicant must post a notice at the Town

Clerk's office and notify the Planning and Zoning Commission at least 24 hours in advance of another five-day test.

T. For New Wireless Telecommunication Facility, or Major Modification of an Existing Facility

1. The applicant shall provide the following plans and maps:

a) Location Map: Copy of that portion of the most recent U.S.G.A. topographic map of the 7.5 minute or 7.5 x 15-minute series, at a scale of 1:24,000 or 1:25,000, showing the area within a two-mile radius from the facility. Indicate the site with its latitude and longitude to the nearest tenth of second.

b) Proposed Facility Plan: A recent survey of the facility site at a scale no smaller than 1" = 40' showing:

(1) Horizontal and radial distances of antenna(s) to nearest point on property line.

(2) Horizontal and radial distances of antenna(s) to nearest dwelling unit.

(3) Proposed utilities, including distance from source of power, sizes of service available and required, locations of any proposed utility or communication lines, and whether underground or above ground.

c) Proposed Communications Equipment Shelter and Antenna Mounts

(1) Floor plans, elevations, and cross sections at a scale of no smaller than 1/4" = 1' of any proposed appurtenant structure.

(2) Number of antennas and repeaters, as well as the exact locations of antenna(s) and of all repeaters (if any) located on a map as well as by degrees, minutes, and seconds of latitude and longitude.

(3) Mounting locations on tower(s) or structure(s), including height above ground.

6. General Requirements

A. Non-tower-mounted PWSF's (structure or rooftop mounted Wireless Telecommunication Facilities).

1. If roof mounted, they shall not exceed a height of fifteen (15) feet above the highest part of the structure or building.

2. If facade mounted:

a) They shall not project more than two (2) feet beyond the wall or facade of the building.

b) They shall not project more than five (5) feet above the cornice line.

B. Sitting Objectives

1. Towers and Wireless Telecommunication Facilities shall be located so as to minimize the following potential impacts:

a) Visual/Aesthetic: Towers shall, when possible, be sited where their visual impact is least detrimental to highly rated scenic and historic areas, including ridge lines, properties listed in the State or Federal Register of Historic Places, and scenic roadways.

b) Diminution of residential property values: To the extent possible, sitting shall be in as low population density areas as possible.

c) Safety from excessive electromagnetic radiation: In case the tower or Wireless Telecommunication Facility is found to exceed the FCC guidelines.

d) Environmental Degradation: Towers shall, when possible, be sited to avoid affecting rare or endangered flora and fauna in areas shown on the Connecticut DEP and Federal Listed Species and Natural Communities Map. They should also be sited, when possible, away from wetland areas.

e) No tower, with the exception of repeaters, shall be located:

(1) Closer than 750', on a horizontal plane, to an existing dwelling unit, or daycare center, hospital, nursing home, church, synagogue, or other place of worship.

(2) No residential building shall be constructed within 750 feet of an existing tower.

(3) In reviewing the Special Permit applications, the Commission may allow the setback to extend within a neighboring property if it finds that a substantially better design will result from such a reduction. Such neighboring property shall not be developed and will be subject to a legally binding agreement, secured by the applicant, preventing development during the time the tower is in place.

2. Licensed carriers shall share facilities and sites with other licensed carriers where feasible, thereby reducing the number of stand-alone facilities. The conversion of a single-use facility to a co-location shall be considered a modification. The Commission may require, as a condition of approval of the Special Permit, that the tower/facility owners dedicate a space on the facility for the town of Trumbull's municipal emergency services for public health and safety purposes. Any such dedications and/or improvements to existing emergency services will be negotiated prior to approval of the Special Permit.

3. The following locations are ranked in order of preference:

a) Shared use of towers shall be encouraged.

b) Placement on existing structures, such as buildings, water towers, etc., shall be encouraged.

c) Use of repeaters.

d) Use of federal, state, or municipal land or buildings.

e) The use of land distant from higher density residential properties, where visual impact can be minimized, shall be encouraged.

f) The use of land in areas of high density residential properties is the least preferable selection.

4. Towers shall be located so as to provide adequate coverage and adequate capacity with the least number of towers and antennas which are technically and economically feasible. Wireless Telecommunication Facilities shall be located so as to provide the least number of antennas which are technically and economically feasible.

7. Commission Approval Process

A. Valuation by Independent Consultants

1. Upon submission of a complete application for a Special Permit or Special Exception, the Planning and Zoning Administrator shall provide the Independent Consultant(s) with the full application for their analysis and review.

2. Applicants for a Special Permit or Special Exception under this regulation shall obtain permission from the owner(s) of the proposed property (ies) or facilities site(s) for the town's Independent Consultant(s) to conduct any necessary site visit(s).

3. Fee Schedule and Bonding:

a) Application Fees: Upon submission of signed application that meets all of the criteria herein described, including all supporting documents and maps, an application fee shall be submitted to the town of Trumbull in the amount of $3,500. The application fee shall be $1,500 for installations on existing towers or buildings.

b) Performance Bonds: The Commission will require additional Performance Bonding, as deemed necessary to protect facility building site(s) during construction, for landscaping, and site work.

B) Approval Criteria for Towers

1. In acting on the Special Permit application, the Commission shall proceed in accordance with the procedures and time lines established for Special Permits.

2. The Commission shall, in consultation with the Independent Consultant(s), make all of the applicable findings before granting the Special Permit, as follows:

a) That the applicant is not already providing adequate coverage to the subject area; and

b) That the applicant is not able to use existing towers/facility sites to provide adequate coverage; and

c) That the applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, without discrimination and at fair-market value to other Wireless Telecommunication Providers; and

d) That the proposed tower will not have an undue adverse impact on historic resources, scenic views, residential property values, natural or man-made resources; and

e) That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities; and

f) That the proposal shall comply with the most current FCC regulations regarding emissions of electromagnetic radiation as currently found in FCC Regulations, Title 47, Part 1, Section 1.1307, and all other relevant sections.

3. Any decision by the Commission to deny an application for a Special Permit under this section shall be in conformance with SEC.332 [47 U.S.C. 332] (7)(B)(iii) of the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

4. The town shall not enter into any lease agreement or otherwise authorize tower sitting by a telecommunications service provider until and unless the town obtains an adequate indemnification from such provider. This indemnification must at least:

a) Release the town of Trumbull from, and against, any and all liability and responsibility in or arising out of construction,

operation, or repair of the telecommunications facility. Each telecommunications facility operator must further agree not to sue or seek any money or damages from the town in connection with the above-mentioned matter.

b) Indemnify and hold harmless the town of Trumbull, its elected and appointed officers, agents, servants, and employees, from and against any and all claims, demands, or causes of action whatsoever kind or nature, and the resulting losses, costs, expenses, reasonable attorney's fees, liabilities, damages, orders, judgments or decrees, sustained by the town or any third party arising out of, or by any reason of, or resulting from, or out of each telecommunications facility(s) operator's, agent's, employee's, or servant's negligent acts, errors, or omissions.

c) Provide that the covenants and representations relating to the indemnification provision shall survive the term of any agreement and continue in force and effect as to the responsibility of the party to indemnify.

8 - Certification, Monitoring, and Evaluation

A. Pre-Testing

After the granting of a Special Permit and before the facility begins transmission, the applicant shall pay for an independent consultant RF engineer, chosen and hired by the Commission, to monitor the background levels of EMF radiation around the proposed facility site and at appropriate distances from it, and/or at any repeater locations to be utilized for the applicant's wireless facilities. The independent consultant shall use the specified monitoring protocol. A report of the monitoring results shall be prepared by the independent consultant and submitted to the Planning and Zoning Commission, the Town Engineer, and the Building Official.

B. Post-Testing

Within 30 days after transmission begins, the owner(s) of any wireless services located on the tower/facility site shall pay for an independent consultant RF engineer, chosen and hired by the Commission, to conduct testing and monitoring of EMF radiation emitted from said site, and to report results of said monitoring as follows:

1. There shall be routine annual monitoring of emissions by the independent RF engineer using actual field measurements of radiation, utilizing the monitoring protocol. This monitoring shall measure levels of EMF

radiation from the facility site's primary antennas as well as from repeaters (if any). A report of the monitoring results shall be prepared by the RF engineer and submitted to the Planning and Zoning Commission, the Town Engineer, and the Building Official.

2. Any major modification of an existing facility, or the activation of any additional permitted channels, shall require new monitoring.

C. Compliance Certification

Prior to the activation of a new or modified PWSF, the owner(s) of the facility will certify to the Planning and Zoning Commission, the Town Engineer, and the Building Official that the PWSF is in compliance with the most current FCC regulations regarding emissions of electromagnetic radiation as currently found in FCC Regulations, Title 47, Part 1, Section 1.1307, and all other relevant sections. Certification shall include site specific calculations showing expected worst case power density levels at the closest publicly accessible point to the PWSF, using the methodology described in FCC OST Bulletin #65, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation," (or other most current FCC Bulletin).

At least once every twelve months, starting from the date of activation, a follow-up report of the certifying compliance (as described above) shall be submitted to the Planning and Zoning Commission, the Town Engineer, and the Building Official.

D. Excessive Emissions

Should independent monitoring of a facility site by a qualified professional or a licensed engineer reveal that the site exceeds the most current FCC regulations regarding emissions of electromagnetic radiation currently found in FCC Regulations, Title 47, Part 1, Section 1.1307, and all other relevant sections, then the owner(s) of all facilities utilizing that site shall be so notified. The owner(s) shall submit to the Commission and the Building Official a plan for the reduction of emissions to a level that complies with the FCC standard within 10 business days of notification of non-compliance. That plan shall reduce emissions to the standard within 15 days of initial notification of non-compliance. Failure to accomplish this reduction of emission with 15 business days of initial notification of non-compliance shall be a violation of the Special Permit approval, and subject to penalties and fines. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site until compliance is achieved.

E. Structural Inspection

Tower owner(s) shall pay for an Independent Consultant (a licensed professional structural engineer) hired by the town to conduct inspections of the tower's structural integrity and safety. Guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the Independent Consultant and submitted to the Planning and Zoning Commission, the Town Engineer, and the Building Official. Any major modification of an existing facility which includes changes to tower dimensions or antenna numbers or type shall require a new structural inspection.

F. Unsafe Structures

Should the inspection of any tower reveal any structural defect(s) which, in the opinion of the Independent Consultant render(s) that tower unsafe, the following actions must be taken. Within 10 business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within 10 days of the submission of the remediation plan, and completed as soon as reasonably possible. Failure to accomplish this remediation of structural defect(s) within 10 business days of initial notification shall be a violation of the Special Permit and subject to penalties and fines. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site until compliance is achieved.

9 - Removal Requirements

At least once every twelve months, starting from the date of activation, the owner of the Wireless Telecommunication Facility must submit an affidavit to the Planning and Zoning Commission stating whether or not the Wireless Telecommunication Facility is still in operation. If all facilities on a tower have ceased to operate, the tower shall be removed, and the site shall be revegetated. Existing trees shall only be removed if necessary to complete the required removal. The applicant, upon obtaining a demolition permit shall submit a bond, approved by the Building Official, to cover the cost of removal of the Wireless Telecommunication Facility and the remediation of the landscape should the facility cease to operate. Cease to operate is defined as not performing the normal functions associated with the Wireless Telecommunication Facility and its equipment on a continuous and ongoing basis for a period of one year.

10 - Additional Fees and Insurance

A. The Town of Trumbull shall not enter into any lease agreement, or otherwise authorize a tower site or facility by any telecommunications service provider until and unless the town obtains assurance that such

operator (and those acting on its behalf) have adequate insurance as determined by the Commission. At a minimum, the following insurance requirements shall be satisfied:

1. A telecommunications facility operator shall not commence construction or operation of the facility without obtaining all insurance required under this section and approval of such insurance by the Commission, nor shall a telecommunications facility operator allow any contractor or subcontractor to commence work on its contract until all similar such insurance required of the same has been obtained and approved by the Commission. The required insurance must be obtained and maintained for the entire period the telecommunications facility is in existence. If the operator, its contractors or subcontractors do not have the required insurance, the town will order such entities to cease operation of the facility until such insurance is obtained and approved by the Commission.

2. Certificate(s) of insurance verifying such insurance shall be filed with the Commission at the time of application. For entities that are entering the market, the certificate(s) shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse of coverage. Such certificate(s) should provide the name, address, and phone number of the insurance carrier, and identify an agent in case of inquiries.

3. The certificate(s) of insurance shall contain a provision that coverages afforded under such policies shall not be canceled until at least thirty (30) days prior written notice has been given to the town. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Connecticut.

4. Where applicable, in the event that the insurance certificate(s) provided indicates that the insurance will terminate or lapse during the term of the lease agreement with the town, then in that event, the telecommunications facility(s) operator shall furnished a renewed certificate of insurance as proof that equal and like coverage remains in effect for the balance of the lease term, at least thirty (30) days prior to the expiration of the date of such insurance.

5. A telecommunications facility operator and its contractors or subcontractors engaged in work on the operator’s behalf, shall maintain minimum insurance in the amounts determined by the Commission to cover liability, bodily injury, and property damage. The insurance shall cover, but not be limited to, the following exposures: premises, operations, and certain contracts. Such coverage shall be written on an occurrence basis and shall also be required under any lease agreement between the town and the telecommunications facility operator.

B. A schedule of fees for towers, Wireless Service Facilities, and antennas, permitting and renewal, any monitoring of emissions and inspection of structures, and any other fees shall be established by the Commission. This schedule may be amended from time to time.

11 - Satellite Communications

A. Exemptions

1. Any earth station antenna measuring two meters or less in diameter and located in a zone where commercial and industrial uses are generally permitted, is exempt from all zoning regulations.

2. Any earth station antenna measuring one meter or less in diameter located on a residential property and intended for home use is exempt from all zoning regulations.

B. Prohibitions

No earth station antenna other than those exempted from local zoning regulations is permitted in any zone.

12 - Replacement by State Regulations

In the event that the Connecticut State Statutes are amended to place any of the items covered in Article XV under the jurisdiction of the Connecticut Siting Council or other State body, the provisions of this section will remain in effect as standards that must be met in order to obtain a favorable recommendation to the State authority granting approval.

The invalidity of any section or provision of this Article shall not invalidate any other section or provision hereof.

ARTICLE XIII-SIGN REGULATIONS

1. Authorization.

No sign shall be established, constructed, enlarged, altered, extended, or moved except in conformance with these Regulations.

2. Purpose.

The purpose of these Regulations is to permit the identification of land uses for the convenience of the general public, while regulating and restricting signs so as to prevent them from being: Excessive in number, illumination, area, or height; distracting to motorists; incompatible with the use of the land or building to which they are accessory; having an adverse impact on property values and the aesthetic and historic character of the Town of Trumbull; or otherwise impairing the public health, safety and welfare.

3. Prohibited Signs.

The following signs are prohibited in all Zones:

3.1 Flashing signs

as defined in these Regulations (see Article I, Section 3), except for signs indicating the time and/or temperature, by means of white lights only, which may be permitted in the BC Zone.

3.2 Moving signs (also at times called "mechanical" signs)

As defined in these Regulations (see Article I, Section 3). "Moving signs" shall include, but not be limited to, permanent spinners, streamers, banners, and the like (excluding temporary events, such as openings and festivals).

3.3 Portable or mobile signs

Being any sign which is mounted on wheels, is collapsible, or mounted or painted on a vehicle which is generally in the same location for purposes of identification. "Portable signs" shall include, but not be limited to, so called "A" signs and signs on balloons, kites, or other objects suspended in the air.

3.4 Advertising signs

As defined in these Regulations (see Article I, Section 3).

3.5 Signs painted directly upon any building surface

Such as a wall or roof, or painted or otherwise displayed upon the surface of the earth itself.

3.6 Roof signs or sky signs
As defined in these Regulations (see Article I, Section 3).

3.7 Any sign which displays lights, resembling those customarily used by police, fire, ambulance,
or other emergency vehicles; and any sign which uses the words "stop", "caution", "slow", or any other word, phrase, symbol, or character that might be misconstrued to be a public safety warning sign or other official traffic control sign.

3.8 Any illuminated sign in which the background (as opposed to the text) is illuminated
by means of an internal light source through a translucent or transparent material.

4. Exempt Signs.

The following signs do not require an application for a Sign, as provided in Section 5 below, provided that they comply with the provisions of these Regulations:

4.1 Public Signs.

Signs of a noncommercial nature, erected in the public interest by or on the order of a public official in the performance of his/her duty, including, but not limited to, safety, trespassing, traffic control signs, and signs of memorial or historic interest, not exceeding four (4) square feet.

4.2 Small Identification Signs.

a. One (1) ground sign per lot, only for uses permitted in residential Zones, not exceeding two (2) square feet in area, located on the premises, not illuminated, and announcing only the name and/or occupation of the building occupant.

b. One (1) public convenience sign for each building in a nonresidential zone, attached flat against the principal building, identifying store hours, the name of the business, or other basic information of a non-advertising nature, and not exceeding two (2) square feet in area.

c. Trespass signs and other signs indicating the private nature of a driveway or other premises, not exceeding two (2) square feet in area.

4.3 Gasoline Price Signs.

Two (2) price signs per lot, not larger than specified in the Connecticut General Statutes or any Regulation promulgated thereunder, provided the location and height requirements of these Regulations are met, and the sign is not placed upon a utility pole or within the public street right of way.

4.4 Political Position Signs.

Signs pertaining to public policy issues, excluding those for which an election or other date-certain event is involved (see following section), subject to the following restrictions:

a. One (1) six (6) square foot sign may be placed on each lot.

b. No political position signs shall be allowed on publicly owned property.

c. No political position sign in a residential zone shall be illuminated.

4.5 Special Event and Election Temporary Signs.

For public, charitable, educational, political, or religious events, or for public elections: One (1) sign not exceeding (6) square feet in area on the same lot as the event, or for political campaigns, the political headquarters for each party having candidates in such election; plus no more than one (1) other sign of the same size at each other location (with the permission of the property owner), provided the said signs are removed within thirty (30) days of the close of the event or election. No such signs shall be placed on publicly owned property, including street rights of way. Directional signs for events may be posted within public rights of way or elsewhere with the permission of the owner, provided they do not exceed two (2) square feet in area and are posted no sooner than ten (10) days before the event and are removed at the close of the event. No signs governed by this paragraph shall be illuminated if located in residential zones.

4.6 Construction, Sale, and Rental Temporary Signs (On site).

One (1) construction or project sign per lot not exceeding six (6) square feet in area. Also, one (1) sign per residential lot advertising for sale or for rent; such for sale or for rent signs not exceeding four (4) square feet. All such signs shall be displayed for no more than twelve (12) months, which time period may be extended by the Commission for an additional twelve (12) months. All such signs shall be removed no more than thirty (30) days following the completion of a construction project, or the sale or rental of all lots, dwelling units, or other spaces.

4.7 Business Window Signs.

Signs located on the inside of the windows of commercial buildings, provided such sign(s) are not illuminated and shall cover no more than ten (10%) percent of the area of any window.

4.8 Tag Sale Signs.

One (1) sign, not exceeding four (4) square feet in area, located on the same lot as the tag sale, and for a period not to exceed 72 hours.

4.9 Change in Text/Content.

A change in the text or content of a sign, with no other change in size, location, color, illumination, or any other aspect of the sign, shall not require the issuance of a new Sign approval, provided such change in text or content does not change the classification of such sign, as set forth in these Regulations

4.10 Maintenance.

Routine repainting, cleaning, and other normal maintenance and repair of a sign or sign structure, unless a structural change is being made.

4.11 Art Forms.

Artistic paintings, sculptures, and similar works of art shall be permitted, provided that such works contain no commercial message, motif, or image; are not designed for the purpose of attracting the attention of the general public by their size, colors, or other characteristics; comply with the height, location, size, and other requirements of these Regulations; and are limited to no more than one (1) such structure for each building on the lot.

5. Regulated Signs.

Except for those signs enumerated in the preceding Section XIII.4, no sign shall be erected or established until approved by the Commission or the Board, as the case may be. For any use of land or buildings requiring a Special Permit or Special Exception pursuant to these Regulations, all required information shall be submitted as part of the application for such Special Permit or Exception, except that, in addition to the review thereof, any and all applications for Signs, or any amendment thereto, shall be approved, modified and approved, or disapproved exclusively by the Commission, as part of its action on the Special Permit, or separately following approval of the Board in the case of a Special Exception application. Where no application for Special Permit or Special Exception is involved, the application for Sign shall be filed separately with the Commission as a Special Permit.

5.1 Application for Signs; Information Required.

Every application for a Sign shall contain, at a minimum, the following information:

a. A site plan depicting the location of the sign(s) on the subject site and its relation to adjacent buildings and structures, and any associated landscaping, lighting sources, structural components, and the like.

b. An illustration of the proposed sign(s), including dimensions, text/content, materials, color, and structural support.

c. A narrative description of the sign(s), including its purpose, method of illumination, materials (if not evident from the illustration), the section of the Regulations under which such sign is permitted, a description of the total area, location, type and other information for all other signs on the lot, and any other information not contained in the site plan or illustration.

d. For a temporary sign, the dates upon which the sign is to be displayed, and the purpose thereof.

e. Such other information as the Commission may require to determine compliance with these Regulations.

5.2 Criteria for Review.

a. That the proposed sign(s) conforms with all applicable requirements of these Regulations.

b. That the proposed sign(s) is appropriate in size, location, illumination, and character for the building or use with which it is associated, and the area in which it is proposed; in harmony with the historic, rural character of the Town of Trumbull; and will not adversely impact property values, public safety, or the general welfare.

c. That the proposed sign(s) are designed, constructed, located, erected and maintained in accordance with all applicable requirements of the State Building Code.

d. For signs associated with uses requiring a Special Permit or Special Exception: Compliance with the criteria of Article XV (Special Permit/Exception) of these Regulations.

e. In addition to the minimum and maximum parameters contained in this Article XIII, the Commission may also impose more restrictive requirements where required to protect the public health, safety, welfare, property values, the natural environment, the character of historic areas, or the other purposes of these Regulations. The situations where such additional restriction may be imposed include, but are not limited to, the following: Areas of historic importance; nonconforming non-residential uses in Residential Zones; signs in locations where sight line hazards may be created or maintained; developments adjacent to significant wildlife habitats; developments adjacent to uses requiring special protection from light and the other characteristics of signs, such as hospitals and rest homes, schools, churches, and other public or community buildings.

5.3 Action.

The Commission may approve, modify and approve, or deny an application for a Sign. Such modifications may include, but are not limited to, requirements for certain dimensions, illumination, lettering size, location, height, landscaping, and other characteristics or dimensions of the sign(s), even when such requirements are more restrictive than the minimum and maximum requirements contained in this Article XIII. In determining such requirements, the Commission shall consider the character of the area where such sign is located, the use with which it is associated, the types, sizes, dimensions, and the like of surrounding signs (both existing and proposed), and the general compatibility of the sign(s) with the most desirable and tasteful developments (both existing and proposed), located on parcels in the general area.

6. Specific Requirements for All Signs.

For the definition of the terms "Sign" and "Sign Area or Face", see Article I, Section 3 (Definitions) of these Regulations. All signs shall conform to the Sign Area and location requirements set forth in the Article II for the subject zone. In addition, the following standards shall apply to all signs:

6.1 Location.

Unless noted otherwise in these Regulations, no ground sign shall be located within the right of way for any street. Overhanging signs shall project no more than five (5') feet from such building, and shall not, in any event, project into any public street right of way. New signs shall be located such that they do not block the sight lines of existing signs on neighboring properties. No sign shall be erected in such a manner that will or reasonably may be expected to interfere with, obstruct, confuse, or mislead traffic. No sign or portion thereof shall be erected at the intersection of public streets, within the triangular area formed by a line connecting points twenty five (25') feet from the intersection street lines.

6.2 Height.

No Ground Sign shall have a Sign Face exceeding five (5') in height, nor a total height exceeding ten (10') feet Any sign attached to the wall of a building shall not project above any point of the roof of a building with a flat roof, nor above the eave of a building with a pitched or mansard roof.

6.3 Obstruction.

No signs shall be permitted to physically obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure. The foregoing

shall be construed to prohibit the placement of paper or similar temporary signs in windows which do not physically obstruct or structurally alter such window.

6.4 Illumination.

All lighting of signs shall be of low intensity, and from indirect or internal sources so shielded that the source of illumination (bulb, etc.) is not visible from, and does not cast light onto, any street or from any adjacent lot.

6.5 Ground Sign Landscaping.

Every ground sign shall be provided with suitable, properly maintained landscaping.

6.6 Maintenance.

All signs shall be maintained in a clean and inoffensive condition, free and clear of rubbish and weeds. Normal maintenance shall include painting, changing, adding, or removing advertising or information on display surfaces and routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and reflecting the current occupancy of the site.

6.7 Other Permits Required.

All signs are considered structures and shall meet the required Electrical and Building Codes of the Town of Trumbull. Only materials permitted by the Building Code governing structural materials and equipment as approved by the Building Official, conforming to standard engineering practices, shall be used in the manufacture and erection of signs. All electrical signs shall bear the seal or certification of an approved testing laboratory or a licensed electrician. Materials selected for permanent signs shall be durable, capable of withstanding weathering over the life of the sign with reasonable maintenance.

6.8 Nonconforming Signs.

Signs existing upon the effective date of this Regulation and not conforming to its provisions, or any amendment thereto, shall be deemed a nonconforming sign. No nonconforming sign shall be structurally altered, relocated, or replaced except in compliance with these Regulations. See Section XIII.4.9 regarding changes in content or text.

6.9 Obsolete Signs.

Any sign now or hereafter existing which no longer advertises a bona fide business or product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the Zoning Agent. Failure to comply with such notification shall be deemed a violation of these Regulations, and subject the violator to such penalties as may be provided by law.

6.10 Hazardous Signs.

Any sign which has been found to be hazardous to the public by the Zoning Enforcement Officer or the Building Official shall be repaired, replaced, or removed within ten (10) days after notification of such finding. Failure to comply with such notification shall be deemed a violation of these Regulations, and subject the violator to such penalties as may be provided by law.

7. Requirements for Residential, Commercial, and Industrial Signs.

In addition to the preceding requirements, the following signs shall be permitted subject to the specified requirements:

7.1 Residential Signs.

a. Home Occupations. No signs are permitted for Home Occupations.

b. Apartment/Condominium Developments. One (1) identification sign per development not exceeding six (6) square feet.

c. Charitable, Religious, Educational, Governmental. Signs for permitted charitable, religious, educational, or governmental uses shall not exceed six (6) square feet in area; shall be limited to no more than one (1) such sign at the major entrance to such use; and shall not exceed a height of six (6') feet.

d. Agricultural, Farm Stands, Other Non-Residential Uses in Residence Zones. Farms and other permitted non-residential uses in Residential Zones, including legal nonconforming uses, may have one (1) sign, no more than six (6) square feet in area, and no more than six (6') feet in height. Farms stands or similar retail uses in Residential Zones shall not display any sign during periods of non-sale.

7.2 Commercial and Industrial Signs.

The area of signs in Commercial and Industrial Zones shall be in accordance with provisions contained in the Regulations for each such Zone.

7.3 New Business Opening Temporary Signs.

A temporary sign no more than 3 feet by 10 feet located on a building or in the front yard or parking area to advertise the opening of a new business, for a period not to exceed 30 days may be approved through an administrative approval process by the Planning and

Zoning Department. Any further extension will require an appearance before the Planning and Zoning Commission.

ARTICLE XIV-OPEN SPACE SUBDIVISION

1. Findings.

The Commission finds that in some cases the strict adherence to traditional and development and subdivision techniques within the Town of Trumbull may result in:

a. The consumption of areas containing valuable recreational, agricultural, forest and other unique natural resources.

b. The construction of extensive roads and other improvements requiring maintenance by the Town of Trumbull.

c. The development of sites without specific consideration of the limitations of, or opportunities offered by, the existing topographical and soil conditions.

d. The destruction of significant historic sites, geological features, severe slopes, scenic vistas, significant stands of trees, watercourses, wetlands, wildlife habitat or other areas of environmental value, natural beauty or historic interest.

2. Purpose.

To provide an opportunity for the preservation and protection of the Town of

Trumbull's natural resources by permitting a transfer of density by way of reduction in the minimum lot size normally required in specified zones for residential development in return for the dedication of designated areas as Open Space; provided, however, that the total number of lots in such subdivision approximates the number otherwise permitted under these Regulations and the Trumbull Subdivision Regulations.

3 Definitions.

For the purposes of this Article XIV only, the following definitions shall apply:

a. **Development Restriction.** A restriction which perpetually prohibits further development or use inconsistent with the enhancement, preservation and protection of a defined area for the benefit of fish, wildlife, plants, or other similar ecosystems, or preserves such areas predominantly in their natural scenic or open condition; but which may, in the sole discretion of the Commission, permit non-profit recreational, and/or agricultural uses which non-profit recreational or agricultural uses do not involve any significant alteration or

development of the restricted area in a manner which is inconsistent or inimical to the preservation and protection of the restricted area.

b. **Normal Lot Size.** The lot size, expressed in square feet, normally applicable to the Zone in which the proposed Open Space Subdivision is located.

c. **Open Space.** Land within an Open Space Subdivision which is subject to a Development Restriction.

d. **Open Space Subdivision.** A subdivision approved in accordance with this Section

e. **Total Area.** The total area of the proposed Open Space Subdivision expressed in square feet, but excluding any areas not used for detached single-family residential development or Open Space.

f. **Unbuildable Area**. The area, expressed in square feet, within the proposed Open Space Subdivision which is comprised of wetlands, watercourses, Flood Zone A per FEMA maps, existing and proposed streets and highways, easements and right-of-ways for vehicular access and utilities. For purposes of this Subsection, easements and right-of-ways of an undefined width shall be deemed to be twenty-five (25') feet in width.

4. General Eligibility Requirements.

An Open Space Subdivision:

a. Shall only be permitted in the AA and AAA Residence Zones.

b. Must not be harmful to the character of the surrounding area and property values of surrounding land owners.

c. Must, except as provided in this Article XIV, otherwise comply with all applicable Sections of these Regulations and the Trumbull Subdivision Regulations and provisions of federal, state, and local law.

d. Must provide for the dedication of Open Space in accordance with Subsection 7.b of this Article XIV.

b) Must provide beneficial utilization of suitable soil and topographic conditions and protection of soils and topographic conditions not suitable for development.

c) Shall be used only for detached single-family dwellings [and two-family dwellings], where and as permitted by these Regulations, and permitted accessory uses. All other uses shall require the Normal Lot Size and be

subject to approval of the Commission in accordance with the applicable Sections of these Regulations. In addition, any other use which is proposed after the approval of the Open Space Subdivision shall require an amendment to the Special Permit granted under this Article XIV in accordance with the applicable sections of the Regulations.

d) Must be consistent with the intent of planning and zoning to promote the public health, safety and welfare of the Town of Trumbull and the Trumbull Plan of Conservation and Development.

5. Application Procedure.

a. Pre-Application Conference. The Commission recommends that, prior to submission of an application for approval of an Open Space Subdivision, the applicant initiate a pre-application conference with the Commission and its staff to discuss conceptual aspects of the proposed Open Space Subdivision and prepare and present a preliminary plan for informal consideration by the Commission. The pre-application conference is recommended to permit the general consideration of factors and problems affecting the development of the subject site before the applicant proceeds with the application and the preparation of final maps, plans and documents required to accompany such application.

Following the pre-application conference, the Commission may provide informal, non-binding suggestions to the applicant as to whether to proceed with an application under this Article XIV or to adhere to the conventional subdivision requirements of the applicable Sections of the Trumbull Subdivision Regulations.

Neither the pre-application conference, the informal consideration of preliminary plans, nor the Commission's suggestions shall be deemed to constitute any portion of the application for approval of an Open Space Subdivision.

b. Application. An application for the approval of an Open Space Subdivision shall:

1. Require approval of the Commission (a) as a Special Permit and (b) as a subdivision in accordance with the applicable Sections of these Regulations and the Trumbull Subdivision Regulations.
2. Be submitted with a proper and complete Special Permit form and Subdivision Application form, and application fees as set forth in Town Ordinances.

3. Be accompanied by ten (10) copies of the proposed plan setting forth the information required by this Article XIV, the applicable Sections of these Regulations and the Trumbull Subdivision Regulations as well as such additional information as the Commission may require for a review of the proposed Open Space Subdivision under the applicable Sections of these Regulations or in order to reach a determination of the impact of the Open Space Subdivision on the surrounding area. Such additional information

may include, but is not limited to, the following: Information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands; utilities and other information of a similar nature and purpose; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; and any reports prepared by the applicant's staff or consultants.

4. Be accompanied by copies of the proposed Certificate of Incorporation, if any, By-Laws, Rules and Regulations of any association or corporation of the lot owners within the proposed Open Space Subdivision; copies of the proposed Covenants and Restrictions to be placed in the deeds of conveyance to the lot owners, and copies of any proposed deeds, agreements, conveyances and restrictions necessary for the creation of Open Space, including, a precise statement of the proposed Development Restriction.

c. Public Hearing. The public hearings on the Special Permit and Subdivision Application shall be held concurrently.

6. Standards and Controls.

a. Minimum Lot Area and Frontage; Yard and Coverage Requirements.

Minimum Lot Area, Single-Family	35,000 sq. ft.
Minimum Lot Frontage	135 feet

All other Bulk requirements shall be in accordance with the underlying zone. See Article III of these Regulations.

b. Interior Lots. Interior lots in Open Space Subdivisions shall conform to Art. III, Sec. 9.

c. Calculation of Maximum Allowable Lots. In order to determine the maximum number of lots allowable within the proposed Open Space Subdivision, the applicant shall submit a conventional subdivision plan using the Normal Lot Size which will be reviewed by the Commission without the application of this Article XIV, including the depiction of the required open space of the Trumbull Subdivision Regulations. Such conventional plan need not contain all information required for a Final Subdivision Plan by the Trumbull Subdivision Regulations, but shall contain only such information as is necessary to permit the Commission to determine that the conventional plan represents a feasible subdivision of the land at Normal Gross Lot Dimensions. If approved by the Commission as representing a feasible conventional subdivision plan, the total number of lots in such conventional subdivision plan shall be the maximum total number of lots in the Open Space Subdivision.

d. Conformance. Any lot with reduced area approved under the provisions of this Article XIV shall be deemed to be a conforming lot notwithstanding the Normal Lot Size; provided, however, that such lot meets the requirements of the other applicable Sections of the Regulations and the Trumbull Subdivision Regulations. Any such lot shall be designated on the approved Open Space Subdivision Plan which is presented for recording.

7. Open Space and Development Restriction.

a. Calculation of Required Open Space. In return for the reduction in the Normal Lot Size, the proposed Open Space Subdivision shall require the dedication as Open Space of an area which is, at a minimum, equal in size to the aggregate difference between Normal Lot Size and the Minimum Lot Area set forth in Section 6.a applicable to each lot in the Open Space Subdivision.

b. Dedication of Open Space. Open Space shall be dedicated, by conveyance in fee simple, in accordance with the applicable provisions of Chapter of the Trumbull Subdivision Regulations.

The applicant shall designate in its application which of the entities set forth in the Trumbull Subdivision Regulations are proposed to own the Open Space, but, as part of the approval of such application, the Commission may modify such designation. Furthermore, the Commission may modify any application so as to designate Open Space in locations other than those proposed. In determining whether the proposed entity is appropriate to own the proposed Open Space, or whether to require Open Space in locations different from those proposed, the Commission shall consider the following factors: The ownership of any existing Open Space on adjacent properties, or the proximity to non-adjacent Open Space which might reasonably interconnect with the proposed Open Space in the future; the proposed use of the Open Space for active or passive uses, and the extent of maintenance, supervision, or management required; the potential benefits which the Open Space might provide to residents of the Town or the State, if it were accessible to them; the size, shape, topography, and character of the Open Space; the recommendations of the Trumbull Plan of Conservation and Development and the Trumbull Open Space Plan; the reports or recommendations of any State or Town agencies, including, but not limited to, the Board of Selectmen, the Trumbull Inland Wetlands Commission, the Recreation Commission, the Conservation Commission, the Fairfield County Regional Planning Agency, and the Connecticut Department of Environmental Protection.

c. Alteration of Open Space. Any excavation, filling, regrading or alteration of Open Space; any construction or expansion of any building, structure or other improvements thereon, or any paving or surfacing of Open Space subsequent to the date of approval of the Open Space Subdivision shall require an amendment to the Special Permit granted under this Article XIV in accordance with the applicable Sections of the Regulations.

d. Evidence of Acceptance. If Open Space is to be owned by a private not-for-profit conservation trust or corporation, the State of Connecticut, the Town of Trumbull, or

another entity, the application shall contain written evidence from the proposed entity satisfactory to the Commission, stating that it is willing to accept ownership of and responsibility for the preservation and maintenance of the Open Space.

e. Required Provisions. Regardless of the manner of ownership of the Open Space, the instrument of conveyance must include provisions satisfactory in form and substance to the Commission to ensure:

1. The continued use of such land for the intended purposes;

2. The continuity of proper maintenance for those portions of the Open Space requiring maintenance;

3. When appropriate, the availability of funds required for such maintenance;

4. Adequate insurance protection; and

5. Recovery for loss sustained by casualty, condemnation or otherwise.

Homeowners associations shall comply with the provisions of the Trumbull Subdivision Regulations.

f. Boundary Lines. The boundary lines of all Open Space shall be set in the field and marked by permanent, readily-visible markers where such lines intersect any lot line, road or perimeter line within the proposed Open Space Subdivision and at such other points as may be required by the Commission to insure identification in the field.

g. Recording. At the time the approved Open Space Subdivision Plan is filed, the applicant shall record on the Trumbull Land Records all deeds and legal documents required to ensure the aforesaid guarantees.

h. Right to Enforce. A right to enforce the Development Restriction shall be conveyed to:

1. The Town of Trumbull, the State of Connecticut, or a private, not-for-profit conservation trust or corporation dedicated to conservation or preservation purposes in cases where the Open Space is dedicated to an association or corporation of lot owners; or

2. To the association or corporation of lot owners in cases where Open Space is dedicated to the Town of Trumbull, the State of Connecticut, or a private, not-for-profit conservation trust or corporation.

Any deed of conveyance shall contain language providing the holder of the Development Restriction with the right to obtain reimbursement for all

costs it reasonably incurs, including attorney's fees, in any action to enforce the Development Restriction, in which it is the prevailing party.

I. Association Requirements. If the Open Space is to be dedicated to an association or corporation of lot owners, then the Commission may set additional requirements, including, but not limited to, the following:

1. Creation of the association or corporation prior to the sale of any lot.

2. Mandatory membership in the association or corporation by all original lot owners and any subsequent owner.

3. The association or corporation shall have the power to assess and collect from each lot owner a specified share of, and, where necessary, provide reserves for the costs associated with maintenance, repair, upkeep and insurance of the Open Space.

8. Protection of Surrounding Areas.

In reviewing the proposed Open Space Subdivisions, the Commission shall additionally utilize the following criteria:

a) The recommendations of the Trumbull Plan of Conservation and Development, as amended, relative to Open Space and Recreation.

b) The suitability of areas within the proposed Open Space Subdivision for Open Space purposes in light of the topography, size, shape, and character of the land to be subdivided, and its relationship to other existing or proposed areas of Open Space.

c) The maintenance, insurance, and other burdens placed upon the residents of the Open Space Subdivision, and/ or the Town of Trumbull.

d) The increase in the burden imposed by the proposed Open Space Subdivision on existing and proposed areas of Open Space.

e) The recommendations of the Board of Selectmen, the Trumbull Inland Wetlands Commission, the Recreation Commission, the Board of Finance, the Conservation Commission, and any other public or private agencies or authorities providing comment to the Commission.

f) The level of access to the areas of Open Space afforded to members of the general public.

9. Location of Open Space.

Open Space preserved in accordance with this Article XIV need not be included within the area of the subdivision for which approval has been sought, but may, at the option of the applicant, be located in such proximity to such subdivision as to insure that the residents of the proposed subdivision

shall derive direct benefits from the open space so dedicated. In determining whether the residents of the proposed subdivision shall derive benefits from the proposed open space, the Commission shall consider:

a. The physical distance between the open space and the proposed subdivision, such that residents of the subdivision will have a view of, ready use of, or other benefit from, such open space.

b. Whether the proposed open space land to be dedicated is served by the same road as the subdivision, such that traffic generation will remain constant over the length of such road.

c. Whether the area of the proposed open space is served by the same municipal service district, as, for example, elementary school district, fire company, or sewer and/or water trunk lines, such that the burden of providing such services will remain constant within such district(s).

d. Whether the proposed open space provides a needed recreational or other facility; preserves a critical wildlife habitat or unique natural feature; or otherwise fulfills an important recreational/ environmental objective of the Town of Trumbull in the general area of the subdivision such that property values in the proposed subdivision will be enhanced.

ARTICLE XV-SPECIAL PERMIT/EXCEPTION

Intent.

In dividing the Town of Trumbull into Zones, it is recognized that there are certain uses which may be necessary or desirable to the Town, but which may be detrimental to the Town or the neighborhood in certain locations, or if proper safeguards are not provided. Therefore, in Art. II (Uses) of these Regulations, those uses are listed as permitted only upon the issuance of a Special Permit by the Commission, or the issuance of a Special Exception by the Zoning Board of Appeals. The Commission or the Zoning Board of Appeals, as the case may be, must evaluate the impact of each proposed use upon neighboring uses and the Town as a whole in determining the appropriateness of any use requiring a Special Permit or a Special Exception for the proposed location. For simplicity, both "Special Permit" and "Special Exception" will hereafter be referred to simply as "Special Permit/Exception", and the terms the Commission or the Zoning Board of Appeals, as the case may be" shall hereafter be referred to simply as "the Commission/Board".

1. Special Permit/Exception Requirement.

In any instance involving a use or uses requiring a Special Permit/Exception as set forth in Art. II of these Regulations, no land or water areas shall be used, nor uses altered or expanded in space, time, or intensity, nor buildings or structures erected, altered, enlarged, or used until the Commission/Board shall grant a Special Permit/Exception in accordance with this Article XV, or amend a previously granted Special Permit/ Exception.

The Commission/Board may waive the requirement for a Special Permit/Exception where it finds that: (a) One Special Permit/ Exception use is being substituted for another similar use on the same lot which was previously granted a Special Permit/ Exception by the Commission/Board; (b) The new use will require no greater parking or loading than the original, as set forth in Article IV of these Regulations; (c) The new use shall entail no exterior change to the building or site; and (d) The new use shall have no impact on the site, the neighborhood, or the Town which is different from the original, such impact to be measured by the standards set forth in Section 4 of these Regulations.

2. Required Information for Special Permit/Exception.

The following information shall, at a minimum, be provided by any applicant for Special Permit/Exception:

2.1 Application

A completed application form prescribed by the Commission/ Board, and an application fee as prescribed by Town ordinance.

2.2 Site Plan.

A site plan composed of one (1) or more sheets none of which shall exceed 24" by 36", which shall conform to the following requirements, and contain the following information;

1. Boundary Survey. A boundary survey prepared and sealed by a Connecticut Licensed Land Surveyor, which survey shall be drawn at a scale of not smaller than forty feet to one inch (1" = 40'), and which survey shall be certified to conform to the standards of map and survey accuracy, respectively, for Class A 2 as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-00b, as amended. Said survey shall include the dimensions of the subject property, and its acreage or square footage.

2. Location Map. A location map, at a scale of one inch equals one thousand feet (1" = 1,000'), showing the location of the site in relation to existing roads, major watercourses, and adjoining properties, and other features which would assist the Commission/Board and the public to orient themselves to the site and its boundaries.

3. General Information.

a) The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record of all properties adjacent to, or across any street from, the subject property.

b) The name, address and professional seal of each design professional responsible for, or participating in, the design of the site.

c) The assessor's map, block and lot numbers for the subject property and properties within five hundred (500') feet of the perimeter of the subject property for applications in the AA or AAA residence zones or two hundred fifty (250') feet of the perimeter of the subject property for applications in all other zones.

d) The date of the site plan, a north arrow, and the scale of the plan.

e) A description of any existing deed restrictions, covenants, easements, right-of-ways, or similar encumbrances which run with the land, including the identity of the dominant and servient estates, the volume and page of

the Trumbull Land Records where the same are recorded, and the date upon which they will expire, if any.

4. Site Features, Existing. On the site, and within five hundred (500') feet of the perimeter of the site using existing or available information, unless otherwise required by the Commission/Board:

a) All existing uses of land including uses not requiring buildings or structures, such as outside storage; property lines, streets, utility lines, ledge outcrops, specimen trees, major tree or shrub areas, and other significant features of the site, both natural and manmade.

b) Wetlands and watercourses in or near the site as defined by the Regulations of the Trumbull Inland Wetlands and Watercourses Commission, and a statement indicating the quality thereof; the high water level of areas covered by water (such as lakes, rivers, streams, ponds, swamps, and the like).

c) Areas having slopes in excess of twenty (20%) percent.

d) Flood hazard areas as designated on the most current Federal Flood Insurance Rate Map for the Town of Trumbull, and the rate map designation for such areas.

e) Existing structures and their uses, general type of construction, height, and the like.

f) The location of all existing wells, public water supply watersheds, and other public or private water supplies, and fire protection facilities.

g) The maximum slope of the site, expressed as a percent; existing monuments, iron pins, and other boundary indicators.

h) The soil classifications, as per the U.S. Soil Conservation Service/Fairfield County Coding of Soil Types prepared by a qualified soils scientist, and a statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.

I) Existing contours of the land at intervals of two (2') feet, or less where the topography of the site and the area around it cannot be otherwise accurately and fairly represented.

j) Existing roads, paths, major and unique natural, scenic, historic, and open space features of the parcel.

5. Site Features, Proposed. On the site, and for any area off the site where any alteration whatsoever is proposed:

a) Any change whatsoever to any of the existing features depicted on the site plan in accordance with the preceding paragraph, including, but not limited to: Proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two (2') foot contours or less; any signs, accessory structures, fences, walls, or other similar structures; location and details for the collecting and handling of refuse; the location of gas, electric, and other utilities to be provided, and whether utility lines shall be placed above or beneath the ground.

b) The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.

c) The location of any proposed well, septic system, and the location of, and test results for, any and all percolation and deep test holes, as verified by the Town Sanitarian and/or Health Official.

d) Any regrading, excavation, filling, and the volumes of material to be brought onto or removed from the site.

e) The percentage of building coverage, combined building and paved area coverage.

f) Alterations in property boundaries, easements, utilities, and the like.

g) The location of any roads, curbs, sidewalk, driveway, parking and loading area(s), paths, and similar improvements, and any tie ins to existing Town or State facilities.

h) Phase lines, proposed future division of the property, long term lease boundaries, and the like.

i) In any site plan requiring the erection of any structure, grading, drainage work, paving or other improvement, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

j) The areas of wooded portions of the site, or specimen trees, to be removed or retained, and the location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted, and the proposed treatment of all buffer strips, screens, and islands.

k) The expected intensity and frequency of noise which may be emitted from the site or use, and the methods to be used to control the same.

l) The height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including exterior elevations, roof plan, designation of materials, colors, and textures of exterior finishes, doors, windows, roofing, trim, and the like; location of heating, air conditioning, ventilation, and similar equipment; and special exterior features, such as building mounted signs, drive in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior.

m) The applicant shall submit the results of water quality analysis of all existing watercourses on the site, which shall be performed by a State approved laboratory. The applicant shall submit similar analyses upon the completion of all construction activities and prior to issuance of a Certificate of Zoning Compliance.

6. Parking and Drainage.

a) The site plan shall include all information necessary to establish conformance with the requirements of Article IV of these Regulations, Off Street Parking and Truck Loading Requirements, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

b) The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces. In addition, the site plan shall include the location, invert elevations, pipe sizes, flow calculations, and all other similar information as may be required by the Commission's engineering consultant to properly evaluate the stormwater management plan for the site.

c) All site plans shall include provisions to retain stormwater runoff so as to produce no increase in peak runoff in accordance with Article I, Section 5.3 of these Regulations.

c) The proposed design, location, and illumination level of all outdoor lighting, particularly in pedestrian and vehicular areas.

2.3 Sanitary Waste Disposal Plan.

For any site which is to be served, and is capable of being served, by an operational public sanitary sewer line prior to occupancy, the site plan shall depict the sewer lateral and other engineering information suitable to determine that connection to an operational sanitary sewer line is feasible. In addition, the applicant shall provide evidence from the Trumbull Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site. If the applicant proposes to utilize a

community sewerage system, as defined in Connecticut General Statutes Section 7 245, a report from the Trumbull Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes Section 7-246f have been satisfied shall be provided.

2.4 Soil Erosion and Sediment Control for Land Development.

Every application for Special Permit/Exception shall include an Erosion and Sedimentation Control Plan which conforms to the requirements of Article X of these Regulations.

2.5 Protection of Surface and Ground Water Supply.

Pursuant to Connecticut General Statutes Section 8 2, as amended by Public Act 85 279, every application for Special Permit/ Exception shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

a) A statement describing the nature of the use of any buildings or areas of the site and their method of disposal.

b) The nature of any discharges anticipated.

c) The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.

d) The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.

e) Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.

f) Other information which might assist the Commission/Board in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission/ Board that he/she is qualified to prepare such evaluations. The Commission/Board may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

2.6 Water Supply; Certificate for Community Wells.

The location and design of the proposed water supply systems shall be provided, including design calculations, materials specifications, hydrostatic testing procedures, and flow testing procedures.

In accordance with Section 8-25a of the Connecticut General Statutes, as amended by Public Act 84 330, any development providing water by means of a "water company", as that term is defined in Connecticut General Statutes Section 16- 262m(a), shall provide to the Commission/Board a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for Special Permit/Exception involving such a water company shall be deemed complete without said Certificate, unless the applicant shall provide a resolution of the Trumbull Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

2.7 Inland Wetlands and Watercourses.

No application for Special Permit/Exception shall be deemed complete without the submission of a copy of a report and motion for approval of an Inland Wetlands Permit from the Trumbull Inland Wetlands and Watercourses Commission, provided such a permit shall be required under regulations adopted by said Commission. Any plans submitted to the Commission/ Board shall conform, in all relevant respects, to those plans submitted to the Trumbull Inland Wetlands and Watercourses Commission as the same were approved, or modified and approved, by said Commission.

2.8 Covenants and Restrictions.

The applicant shall provide the text of any proposed covenants, easements, deed restrictions, and community organizations necessary to assure the fulfillment of the intent and requirements of these Regulations and the Final Development Plan as approved.

2.9 General Provisions.

a) Sufficiency of Information Presented. Any of the foregoing plans, reports, and evaluations may be presented on one or any number of separate sheets or documents, depending upon the complexity of the application.

It shall be the duty of the applicant, however, to provide plans and other documents which incorporate all of the above information, and demonstrate compliance with all of the requirements and criteria of these Regulations, in a way that is clear and comprehensible to the Commission/Board and its staff.

b) Additional Information. The Commission/Board may require additional information as may be needed to evaluate the appropriateness of the proposed use in the proposed location, including, but not limited to: Information concerning surrounding land uses, building locations, driveways, streets, topography, watercourses and wetlands, utilities, and the like; a traffic impact study prepared by a Connecticut Registered Professional Engineer qualified to prepare such studies; an environmental impact statement prepared by professionals qualified to prepare such studies; detailed architectural information, such as color samples, screening of roof or ground mounted heating and air conditioning equipment and ventilation ducts, samples of construction materials, and the like; the location and construction material of any fences, walls, flag poles, street furniture, walkways, trash disposal areas, and the like; reports from its own consultants and staff, or from government agencies.

c) Number of Copies. The applicant shall submit no less than five (5) copies of all plans, reports, and other documents enumerated above, provided, however, that the Planning Administrator may require more or fewer copies based on the complexity of the application and the number of referrals or reviews required.

d) Waivers. The Commission/Board may, upon the written request of the applicant or upon its own motion, waive the submission of information set forth in Section 2.9b, Site Plan which is not required in order to determine compliance with the criteria set forth in this Article XV. The Commission/Board may not waive the submission of any of the other required information set forth in this article.

e) Signature Block. All plans shall contain the words "Approved by the Trumbull Planning and Zoning Commission/Zoning Board of Appeals" with a designated place for the signature of the Chairman, Vice Chairman, or Secretary of the Commission/Board and the date of signing.

f) Adequacy of Information to Establish Compliance. All applications shall contain sufficient information to permit the Commission/Board to make the findings required in Section 4 of this Article XV.

3. Application Procedure.

3.1 Who May Apply.

The following persons may apply for a Special Permit/Exception: An owner, or all of the joint owners, of the property upon which the use is to be located; the prospective purchasers of such property, pursuant to a written purchase agreement, option agreement, bond for deed, or similar document, provided, however, that the said document accompanies the application and authorizes the prospective purchaser to apply for zoning permits from the Town, or, in the alternative, the written consent of the owner of the fee simple interest accompanies the application; the lessee of a leasehold interest, provided that either the written consent of the owner of the fee simple interest accompanies the application or, in the alternative, that a written lease, which must accompany the application, provides that the lessee is authorized to apply for zoning permits from the Town.

3.2 Informal Discussion.

Any proponent of a use permitted by Special Permit/Exception may request the opportunity to place such proposal on the agenda of a regular or special meeting of the Commission/Board for the purpose of presenting preliminary plans or concepts and receiving preliminary comments, observations, questions, or areas of concern. Neither the proponent nor the Commission/Board 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/Board upon the future receipt, if any, of a formal application for Special Permit/Exception. Following any informal discussion, the Commission/Board may suggest that the proposal, or certain aspects thereof, be referred to other municipal, State, or Federal agencies for review and comment, or may suggest that additional information is or will be required prior to action on a formal application for Special Permit/ Exception.

3.3 Submission of Application.

1. Complete Application. A complete application shall consist of the application form and fee, together with the required information set forth in this Article XV. The date of receipt of any such application shall be the next regularly scheduled meeting of the Commission or the Board, as the case may be, or thirty five (35) days following, the submission of such application, whichever shall first occur.

2. Notices Mandated by Statute. In accordance with C.G.S. 8 3h, the Commission shall notify the clerk of any adjoining municipality of the pendency of any application concerning any Special Permit/Exception in which (1) any portion of the property affected is within five hundred (500') feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit in the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through or significantly impact the drainage or sewerage system within the adjoining municipality; (4) water run-off from the improved site will impact streets or other municipal or private property with the adjoining municipality. Such

notice shall be made by certified mail and shall be mailed within seven (7) days of the receipt of the subdivision application, and no public hearing shall be held on any Special Permit/ Exception application unless or until such notice has been received. The adjoining municipality may, through a representative, appear and be heard at any hearing on such application.

In accordance with C.G.S. 8 3i, in any Special Permit/ Exception application for any property which is within the watershed of a water company, as defined in C.G.S. 16 1, the applicant shall provide written notice of the application to the water company and the Commissioner of Health, provided such water company has filed a map showing the boundaries of the watershed on the Land Records of the Town. Such notice shall be by certified mail, return receipt requested, and shall be mailed at the time of application. The applicant shall submit evidence of such notice to the Commission at the time of application. Such water company may, through a representative, appear and be heard at any hearing on such application.

3. Notice to Adjoining Owners. Each applicant before the Commission shall provide written notice by First Class Mail to the owners of property, as indicated on the most recent Grand List, located within five hundred (500') feet of the Lot which is the subject of the pending application for applications in the AA or AAA Residence Zones; and within two hundred fifty (250') feet of the Lot which is the subject of the pending application for applications in all other Zones. Said notices shall be mailed no less than twelve (12) days prior to the opening of any public hearing before the Commission. No less than five (5) days prior to the opening of the public hearing, the applicant shall submit a list of all property owners to whom the notice has been sent. The mailing of said notices shall be evidenced by a certificate of mailing from the United Stated Postal Service. No notice shall be required for the continuation of a public hearing once it has been opened.

4. Submission for Review; Architectural Review Board. In addition to the requirements set forth in the preceding paragraph, the Commission/ Board may, in its sole discretion, submit any plans or other information to consultants, employees, or other governmental agencies for comment and recommendations. Promptly after receipt, all applications shall be referred for advisory comments to an Architectural Review Board if and when such Board has been duly constituted. The Commission or Board, as the case may be, shall give due consideration to the recommendations of the Architectural Review Board.

5. Time Limits. The Commission/Board shall, within sixty five (65) days of receipt of any application, schedule a public hearing thereon, said public hearing to be noticed in accordance with the requirements of the

Connecticut General Statutes. The applicant or his/her authorized representative shall attend the public hearing, and the absence of the applicant or his/her authorized representative shall be proper grounds for the denial of the application. Said public hearing may be held open for no more than thirty-five (35) days following the opening thereof. Within sixty five (65) days following the close of said public hearing, the Commission/Board shall act upon said application. The applicant may request an extension of any of the time limits set forth in this paragraph for a period not to exceed a cumulative total of sixty-five (65) days. These time limits are in accordance with Connecticut General Statutes as of the time of adoption of these Regulations; any subsequent amendment to such Statutes shall control, and be used in place of the preceding, without amendment of these Regulations.

6. Action. The Commission/Board shall review the application for conformance with the criteria of this Article XV. The Commission/Board may approve, modify and approve, or disapprove the application. If the Commission or the Board determines that the application is incomplete, the same may be denied without prejudice to any future complete application. If such re application is made within one (1) year of the denial without prejudice, the Commission/Board may, in its sole discretion, waive all or a part of the application fee to reflect the cost of staff review expenses previously performed.

   The Commission/Board may approve any application subject to certain stipulations and/or conditions of approval as it may deem necessary and desirable for the purpose of preventing or diminishing any noncompliance with the criteria set forth in this Article XV. Such conditions may specifically include hours of operation, restrictions on days of the week, and similar restrictions as to time. Where appropriate (e.g., for non-structural uses such as excavations, outdoor events, and the like), the Commission/Board may grant a Special Permit/Exception which is temporary and will be effective only commencing on, or terminating on, specified dates.

   The Commission/Board shall state, upon the record, the reasons for its action, and shall publish notice of such action as required by Connecticut General Statutes. The Commission/Board shall, in addition, send written notice of its decision under the signature of the Commission's/ Board's Secretary or clerk, by certified mail, to the applicant within fifteen (15) days of its action.

7. Endorsement and Filing. Within sixty five (65) days of the Commission/Board approval, the applicant shall submit one (1) set of final plans on a reproducible material suitable for filing in the Town Clerk's Office and six (6) sets on paper, reflecting all conditions or modifications required by the Commission/Board, and accompanied by signed, sworn

statements of the applicant's land surveyor, engineer, architect, and any other professional who has participated in the preparation of the application materials, to the effect that the plans submitted are the same as those approved by the Commission/Board except for the depiction of modifications and conditions required by the Commission/Board in its approval vote. If, upon considering the statements and reviewing the plans submitted, the Commission/Board and appropriate Town staff shall find them to be in accordance with the final approval, and if all required accompanying documents (such as bonds) have been provided, the plan shall be endorsed by the signature of: the Chairman, Vice Chairman, or Secretary of the Commission/Board, as the case may be; the Planning and Zoning Administrator; the Town Engineer; the Director of Health; the Fire Marshal; the Building Official; the Inland Wetlands Enforcement Officer; the Sewer Administrator; and such other persons as the Board or Commission, as the case may be, may designate. Thereafter, it shall be the responsibility of the applicant to file one (1) set of endorsed final plans in the Office of the Town Clerk. In accordance with Section 8 3d of the Connecticut General Statutes, no Special Permit/ Exception shall be effective until the final, endorsed plans are filed with the Town Clerk, and any plans not so filed within ninety (90) days following the Commission's/Board's vote of approval shall become null and void. Any Special Permit/Exception site plan filed in the Town Clerk's Office without the endorsement of the Commission's/Board's Chairman, Vice Chairman, or Secretary shall likewise be void.

8. Time to Start Construction. Failure to start work in connection with the approved site plan within one year from the effective date of granting a Special Permit/Exception or within one year of the date of final resolution or disposition of any resulting appeal shall render such Special Permit/Exception approval null and void. A maximum of two extensions, each for an additional period, not to exceed one year, may be granted by the Commission after a hearing for good cause shown.

9. Time to Complete Construction. Except for any site plan for a project consisting of four hundred or more dwelling units as set forth in Connecticut General Statute § 8-3(j), all work in connection with any site plan shall be completed within five years of its date of approval. Failure to complete all work within such five year period shall result in automatic expiration of the approval of such site plan, except that the Commission may grant one or more extensions of the time to complete all or part of the work in connection with such site plan, provided that the total time for completion shall not exceed ten years from the date such site plan was approved.

4. Criteria for Decision.

In reviewing an application for Special Permit/Exception, the Commission/Board shall consider the following criteria and shall make a finding that:

4.1 Complete Application.

The application shall contain all information required by this Article XV, and the number of copies required, and said information has been prepared by persons possessing the necessary expertise to prepare it. Information shall be presented with adequate clarity and professionalism to permit the Commission/Board to understand it and determine compliance with these criteria. The presentation of a complete application, as described herein, is the obligation of the applicant, and failure to meet this criteria shall be grounds for denial without prejudice to future, complete applications.

4.2 Compliance with Regulations.

The application shall conform in all respects with these Regulations, unless a certified copy of a variance from any such provision is submitted with the application, or the Zoning Enforcement Officer has issued a finding that the nonconformance is a legal, pre existing nonconformity in accordance with Article I, Section 4 of these Regulations. Further, the application shall conform to the Trumbull Subdivision Regulations; the Trumbull Inland Wetlands and Watercourses Regulations, as evidenced by the submission of an Inland Wetlands Permit issued by the Trumbull Inland Wetlands and Watercourses Commission, where required; the Public Health Code, as evidenced by a report of the Town Sanitarian or his authorized designee; and all relevant provisions of the Connecticut General Statutes, whether or not cited in these Regulations.

4.3 Frontage Improvements.

Where the subject site has frontage on an existing street, the pavement and shoulders shall be improved in accordance with the pattern existing on said street and any special requirements created by the proposed development, including, but not limited to, street widening, acceleration/deceleration lanes, curbing, stormwater drainage, street trees, and sidewalks.

4.4 Traffic Access.

All driveways, parking areas, paths, and sidewalks shall be interconnected and/or combined, where possible, with adjacent parking areas, driveways, paths and sidewalks for similar uses, to minimize curb cuts and to maximize pedestrian and vehicular movement between adjacent sites without excessive curb cuts, access movements, and congestion. Provision shall be made for such interconnection, and for the extension of any road or driveway, terminating at or upon the subject site so as to serve adjacent undeveloped land in the same or a comparable zone. Such provision shall include right-of-ways to the Town and/or to the adjacent property owner(s). No driveway onto a public

street shall exceed thirty (30') feet in width, excluding the radius fillets at the point of intersection with the street, and no proposed driveway shall be closer than one hundred (100') feet to any other existing or proposed driveway, unless the site is of such width that compliance with this requirement would preclude access, in which case the separating distance between driveways shall be the maximum feasible for the site. In the interests of public safety, the number of driveways onto public streets shall be minimized, and, in non-residential zones, access to adjacent sites shall be by common driveways wherever feasible. The Commission may require that any driveway be designed, and easements to adjacent properties be conveyed, in order to facilitate present or future sharing of such driveways. Driveway widths and site lines shall comply with State standards, where applicable.

4.5 Emergency Access.

All site plans shall make adequate provision for facilities and access for fire, police and other emergency protection. Such provision shall include, but not be limited to, fire lanes, access drives to otherwise remote portions of a building or site, adequate lighting of remote or visually obscured building or site areas, fire hydrants where surface or subsurface water supplies exist, and the like.

4.6 Sanitary Waste Disposal Plans.

All plans shall provide for the disposal of sanitary waste in conformance to the Public Health Code, and in addition, in a manner which protects surface and groundwater supplies, inland wetlands and watercourses, and insures the protection of the public health and safety. The preceding shall not apply to developments to be served by public sanitary sewers.

4.7 Erosion, Sediment, and Runoff Control Standards.

No site plan shall be approved which will cause erosion, flooding, or sedimentation on the property being developed, surrounding properties, or wetlands or watercourses, as the same are defined by the regulations of the Trumbull Inland Wetlands and Watercourses Commission. Stormwater runoff shall be channeled into stormwater drainage systems and/or detention areas in accordance with proper civil engineering practice. For any site plan which depicts more than two thousand (2,000) square feet of impervious surface, be it building areas or paved areas, there shall be no increase in the peak stormwater runoff as a result of the proposed development. Measures used to control erosion and sedimentation shall, at a minimum, meet the standards and specifications of the Fairfield County Soil and Water Conservation District.

4.8 Wetland and Watercourse Protection.

No sanitary disposal system shall be located within seventy five (75') feet of an area designated as a wetland, nor within one hundred (100') feet of an area designated as a watercourse, as defined by the Trumbull Inland Wetlands and Watercourses Commission, the location of such inland wetlands or watercourses to be determined in accordance with post development conditions, as shown on plans approved by the Trumbull Inland Wetlands and Watercourses Commission, and/or the Connecticut Department of Environmental Protection, and/or the U.S. Army Corps. of Engineers, as may be applicable. No Certificate of Zoning Compliance shall be issued for any Special Permit/Exception use until any such required permits have been issued to permit the removal or relocation of inland wetlands and watercourses as may be required to comply with the separating distances of this paragraph, and unless and until all work required pursuant to such permits has been properly completed.

4.9 Surface and Groundwater Protection.

In reviewing any site plan or use, the Commission/Board shall consider the impact on existing and potential public surface and ground drinking water supplies. The application may be denied if the Commission/Board conclude that unreasonable adverse impact will result from the granting of the Special Permit/ Exception.

4.10 Water Supply.

No site plan depicting a development to be served by a water company, as defined hereinabove, shall be approved unless and until a Certificate of Public Convenience and Necessity, or the waiver thereof by the Trumbull Board of Selectmen, has been obtained in accordance with Article 2-F of these Regulations.

4.11 Public Health and Safety.

The site and building plans shall be designed so as to minimize any delay, inconvenience, and expense of providing for the public health, safety and welfare, including, but not limited to the following: Adequate access for emergency vehicles and equipment; adequate water supply for firefighting, in accordance with recommendations of the Fire Marshal or his/her designee; adequate utility capacity; flood proofing measures which may be desirable, even if over and above the minimum requirements of these Regulations or applicable State or Federal standards; protection of the natural environment; avoidance of glare visible from public streets or adjacent properties.

4.12 Appropriateness of Use.

The proposed use shall be appropriate for the designated location with regard to: The size and intensity of the proposed use, and its relation to existing land uses, and shall be such as to be in harmony with the appropriate and orderly development of the area in which it is to be situated and will not be detrimental to the orderly development of adjacent properties; the capacity of adjacent and feeder streets to accommodate peak and average traffic volumes, and special traffic characteristics of the proposed use, and the avoidance of non-residential traffic through residential streets; the development will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; the obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust, and/or other offensive emissions without adequate buffering or controls; the overall impact on neighborhood property values, and the special problems of fire or police protection inherent in the proposed use; the preservation of the character of the neighborhood in terms of scale, density and intensity of use, architectural character, and similar factors; the availability of adequate effluent disposal, water supplies, stormwater disposal systems, and other special burdens on utilities which the use may entail; the degree of population concentration and building density resulting from the use is not excessive and existing provisions for fire and police protection, transportation, water, sewerage, schools, parks and other public requirements are adequate; the use may be carried out so as to protect and enhance, and without the undue destruction of, valuable historic or natural resources or the 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.

4.13 Architectural Character, Historic Preservation, Site Design.

The overall architectural character of the site and building designs shall not be detrimental to property values in the neighborhood or the Town, and shall preserve and enhance the Town's historic and rural character in terms of scale of buildings, the preservation of scenic vistas and public access, materials used, roof lines, door and window details, site and building lighting, street furniture, paving materials, landscaping, signs, colors, and all other features of the site and buildings which are visible from the exterior of any building on the site or from adjoining properties or streets, or which may impact the character or quality of life on adjoining properties, in the neighborhood, or throughout the Town.

In multi building commercial or industrial developments, all buildings shall reflect a common architectural theme through the use of similar materials, roof lines, and other exterior treatments.

All commercial and industrial uses shall include landscaped areas of not less than specified for the subject zone in Article II. Landscaped areas shall be strategically placed to enhance property values and to protect adjacent uses. With the exception of required loading facilities, driveways, and walkways, all non-residential buildings and multi-family residential buildings shall maintain a landscaped area no less than twenty-five (25') feet in width between any and all parking areas and the building.

Failure to maintain any landscaped area or buffer strip required by these Regulations shall constitute a violation of these Regulations.

4.14 Uses In, Adjacent to, or Impacting Residential Areas.

In addition to the above, in the case of any use to be located in, or directly adjacent to, or served by way of, a Residential Zone or area of residential uses, the Commission/Board shall find that:

1. The location and size of such use, and the nature and intensity of operations involved in or conducted in connection therewith, shall be such that both pedestrian and vehicular traffic to and from and in the vicinity of the use will not be hazardous or inconvenient to, or detrimental to the character of the said residential district or conflict with the traffic characteristics of the neighborhood. Commercial and industrial buildings shall be oriented away from residential areas and access to them shall not disrupt or disturb adjacent residential areas or residential zones. Access, parking, service areas, lighting, signs and landscaping shall be designed so as to protect the residential character of surrounding residential neighborhoods or residential zones.

2. The Commission/Board may require additional setbacks or buffers or uses which pose special potential for adverse impacts due to their hours of operation, lighting, noise, odor, and any other similar characteristics. No building, parking, or loading areas (other than driveways) shall be located in any minimum yard required by these Regulations.

3. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

4. No use shall be permitted which does not meet the requirements of Article I (General Regulations) of these Regulations.

5. No outside storage of materials, products or refuse shall be permitted unless specifically authorized by the Commission/Board, and such authorized outside storage shall be screened in such manner as the Commission/Board may require. All loading areas shall be oriented away from residential areas and public ways and adequately screened from view by appropriate landscaping.

6. All buildings in multi building developments shall be logically related to provide convenient access to a common open space. Incompatible building types and uses shall be separated by open space and suitable screening.

4.15 Special Requirements for Uses in the Watershed of the Aquarion Water Company.

The following special requirements shall apply to all Special Permit/Exception uses located within the watershed of the Aquarion Water Company reservoir(s):

1. The total coverage for all buildings and paved areas shall not exceed ten (10%) percent.

2. No portion of any septic disposal system shall be located within two hundred (200') feet of any inland wetland or watercourse as defined in the Trumbull Inland Wetland and Watercourses Regulations, such wetlands and watercourses to be determined based on their natural, pre development locations. Sufficient soil of acceptable character shall be present within the site to insure safe and effective functioning of an on-site septic system. All septic systems shall be designed by a Sanitary Engineer registered in the State of Connecticut, and shall include a renovation analysis demonstrating compliance with current standards adopted by the Connecticut Department of Environmental Protection.

3. No stormwater discharge from parking areas, roadways, rooftops or areas covered with similar impervious surfaces shall be deposited directly into any wetland or watercourse, nor discharged directly into the ground. Suitable surface and/or subsurface measures shall be taken to detain, filter, renovate and otherwise improve the quality of any such waters before discharge to surface or subsurface waters on or off the site. Existing wetlands may be employed for final treatment of stormwater to the extent of their capacity to do so, but only after initial treatment by new wetlands or structural filtration methods.

5. Specific Recommendations and Requirements for Sites and Buildings.

The following recommendations and requirements are provided to assist the applicant in determining the specific items which the Commission/Board will examine in evaluating any application for Special Permit/Exception, and the preferred or required features, as the case may be:

5.1 Building Materials.

Preferred building materials shall be with brick, stone, or narrow width siding, or the like. Not preferred are corrugated or unpainted metal, unfinished concrete block, and asphalt shingle siding. Roofing materials should, where visible, be cedar shake, slate, copper, asphalt shingles, or reasonable equivalents. Tar paper, corrugated metal, or plastic roofing surfaces are strongly discouraged. Building mounted lighting shall utilize shielded light sources, and shall be of a style and character which is in harmony with the character of the Town. Building mounted flood lights, and ornamental building lighting are discouraged. All roof mounted ventilation, heating, and air conditioning equipment,

including solar collectors, should, where possible, be recessed or otherwise incorporated into the roof design so that they are not visible from any adjacent property at the height of the proposed building.

5.2 Lighting.

Lighting shall be limited to that required for basic security and protection of the premises. In public commercial, industrial and recreational developments, during operating hours, only sufficient illumination shall be provided for the safe passage and illumination of vehicles and pedestrians, being, in general, illumination to an average level of one half foot-candle per square foot. Lighting standards in most parking areas should not exceed sixteen (16') feet in height, but in no event higher than the height of the building adjacent to area to be illuminated. (See specific requirements in Art. IV, Off Street Parking and Truck Loading.) No lighting shall create glare, and the light source shall be recessed into the body of the luminaire, and shall be designed with reflectors and/or lenses to focus all light downward, with sharp cutoff on the horizontal plane, so that neither the light source nor unreasonable ambient light will be visible from beyond any property line of the site. Pedestrian ways shall be illuminated by light bollards or other low level lighting standards with shielded light sources. All loading areas, rear entries, and other high crime areas shall be illuminated to the level of parking areas.

5.3 Site Plan.

The Commission/Board may require that any site plan shall provide for pedestrian walkways and circulation in commercial and industrial parking areas and around buildings. Walkways along public streets may also be required and should be constructed of slate, brick, or concrete and be a minimum width of five (5') feet. Interior walkways should be constructed of slate, brick, or suitable paving blocks. The Commission/Board may permit gravel or other surfaces for interior walkways where minimal use of such walkways is anticipated.

5.4 Landscaping and Screening.

All parking, service and storage areas shall be reasonably screened by landscaping and/or fences or walls; the general grading, improvement and landscaping of the site shall be designed so as to protect and enhance the historic and rural character of the Town and the subject neighborhood, and to provide all season visual buffers between the proposed use and any incompatible use of adjacent property through the use of grade separation, landscaping, buffer areas, and/or open spaces. All parking areas should include landscaped islands to direct vehicular and pedestrian circulation and to reduce the visual impact of large paved areas. All deciduous trees shall have a minimum caliper measured at breast height of two and one half inches (2 ½" DBH), all evergreen trees shall have a minimum height of six (6') feet, and all shrubs shall be of a size at least one third their mature potential. All artificial trees, shrubs or grass are prohibited, except for seasonal, festive, or other temporary decoration. The Commission/Board may require that any or all buildings shall have foundation plantings.

ARTICLE XVI-EFFECTIVE DATE, VALIDITY AND AMENDMENTS

1. Effective Date.

These Regulations shall take effect March, 1927. Whenever in these Regulations phrases such as "the effective date of these Regulations" are used, they shall be deemed to refer to the aforesaid effective date. These Regulations were comprehensively revised effective July 25, 2008. The adoption hereof shall revoke any inconsistent provision of any prior zoning regulation, but shall not alter the continuity of any prior consistent provision, nor commence a new date for the determination of a legal nonconforming use, building or structure which was nonconforming to prior regulations and remains nonconforming to these Regulations.

2. Validity and Separability.

Should any Section or provision of these Regulations be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole or any other part thereof; nor shall such decision affect Regulations adopted or adopted, as amended, subsequent to the onset of such legal action.

3. Amendments.

The Commission may from time to time, after public notice and hearing, amend, change or repeal these Regulations or boundaries or districts as provided by the Connecticut General Statutes.

4. Regulations to Comply with Connecticut Law.

In the event of a conflict between any provision of these Regulations and any requirement of the Connecticut General Statutes pertaining to these Regulations, the requirement of the Connecticut General Statutes shall control.

ARTICLE XVII-MORATORIUM ON MULTI-FAMILY RESIDENTIAL RENTAL HOUSING

WHEREAS, the Planning and Zoning Commission has charted carefully the growth of the community and has guided the development of residential areas within the Town into well-ordered neighborhoods;

WHEREAS, recent changes to the zoning regulations have allowed for multi-family residential rental housing in the Town; and

WHEREAS, the Planning & Zoning Commission needs to understand the impact of the multi-family residential rental housing units recently approved, or able to be approved, in the Town.

NOW, THEREFORE, be it resolved that the Planning and Zoning Commission hereby declares an immediate moratorium on all applications for, and approvals of, any multi-family residential rental housing to determine the additional need of this type of housing in the Town. No applications will be accepted or heard by the Planning and Zoning Commission, and no approvals will be given by the Planning and Zoning Commission for multi-family residential rental housing units during this period.

NOTWITHSTANDING the foregoing, this moratorium shall not apply to any multi-family residential rental housing proposal for fifty (50) residential units or less.

NOTWITHSTANDING the foregoing, this moratorium shall not apply to any multi-family residential rental housing proposal, regardless of the number of units, which is solely age-restricted housing for fifty-five (55) years of age and older.

This moratorium expires on February 28, 2027.

ARTICLE XVIII Special Standards for Mixed-Use Developments

In accordance with the provisions of Connecicut Public Act 25-1, mixed-use developments, meaning uses that contain both residnetial and commericial uses, are permitted in the BC Zone, BC Long Hill Green & Town Hall Node Zone, and MDD Zone pursuant to the requirements of this Article XVIII as follows:

1. Applications for mixed-use developments must file a site plan application to be reviewed and acted upon by the Commission.
2. Applications must comply with the site plan requirements of Article XV, Section 2.2.
3. Notwithstanding any provision to the contrary in the underlying zone, no application for a mixed-use development filed in accordance with this Article XVIII shall exceed more than ten dwelling units per lot, and there shall be no residential uses on the ground floor of any building.
4. Buildings shall otherwise conform to the height, yard and other bulk requirements of the underlying zone.
5. All mixed-use developments shall otherwise comply with the design requirements of the underlying zone, including but not limited to, building design, landscaping design, lighting design, and similar requirements.
6. Prior to applying to the Commission, applications for mixed-use developments must first obtain (i) final approval from the Inland Wetlands & Watercourses Commission or a letter stating that no such approval is required and (ii) final approval from the Police Commission for traffic review.
7. Applicants are encouraged, but not required, to request a pre-application review from the Commission prior to filing for site plan approval.

In the event of a conflict between the provision of this Article XVIII or any other provision of the zoning regulations, the provisions of XVIII shall control.