

AMENDMENTS TO THE ZONING REGULATIONS OF THE TOWN OF TRUMBULL

(EFFECTIVE JUNE 28, 2005)

NEW SECTIONS IN BOLD AND UNDERLINED.

ARTICLE II, SECTION 2. C (1) IS HEREBY AMENDED AS FOLLOWS:

(1) Building or other structure coverage in a Commercial Zone B-C shall not exceed 20% of the total site available for such use nor shall the total interior square footage of any buildings or other structures to be constructed exceed 40% of the total site excluding any underground parking beneath any building. With respect to a lot in excess of twenty (20) acres but not larger than fifty (50) acres within the Commercial Zone B-C that abuts a limited access State highway, then building or other structure coverage shall not exceed 30% of the total site; provided, however, that in such instance when the coverage exceeds 20%, the total number of trees to be planted in on-site parking areas pursuant to the requirements of Article II, Section 2. C (5) shall be increased by a percentage equal to double the percentage that the approved coverage exceeds 20%; provided, however, it does not result in non-conformance with off-street parking regulations. **With respect to a lot in excess of ten (10) acres but not larger than twenty (20) acres within the Commercial Zone B-C, which lot does not abut residentially zoned property, has road frontage on a State highway and abuts undeveloped land of the State of Connecticut, then the building coverage or other structure coverage shall not exceed 30% of the total site. In accordance with Article II, Section 2. C 4, it shall be required that all parking for any building under this regulation is completely hidden from any access highways, roads or streets allowing entry to the parcel, with a fifty (50) foot buffer from the access point. Such buffer shall be a rolling berm, six (6) feet in height, and densely landscaped, subject to approval by the Planning and Zoning Commission and the Town Tree Warden. (Refer to Article II, Section 2. C 4 for further clarification on landscaping.)**

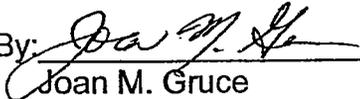
ARTICLE II, SECTION 2. C (3) IS HEREBY AMENDED AS FOLLOWS:

(3) No building shall exceed thirty-five (35) feet in height. **The Commission may, as determined in its discretion, allow the permitted height of a building to be increased to not more than forty-five (45) feet, where the increase in height will permit the introduction of architecturally pleasing and/or necessary features to the building facade, provided that no usable or occupiable space is higher than thirty-five (35) feet in height.** 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 Planning and Zoning Commission. Such screening shall prevent the visibility of these units within a radius of two hundred (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.

ARTICLE II, SECTION 2. C (4) IS HEREBY AMENDED AS FOLLOWS:

(4) There shall be a minimum one hundred (100) foot buffer between a Commercial Zone B-C and any residential zone and a fifty (50) foot buffer between a Commercial Zone B-C and any other zone. With respect to a lot in excess of twenty (20) acres but not larger than fifty (50) acres within the B-C Commercial Zone that abuts a limited access state highway which is located within a residential zone, or **(b) a lot in excess of ten (10) acres but not larger than twenty (20) acres within a Commercial Zone B-C, which lot does not abut residentially zoned property, which lot has road frontage on a State highway and abuts undeveloped land of the State of Connecticut, the Commission may elect to reduce the buffer requirement as set forth hereinabove between the Commercial Zone B-C and any other zone, but cannot reduce the buffer to less than 12.5 feet, and if such buffer is less than twenty-five (25) feet, shall require a three (3) foot high rolling berm that is densely landscaped and properly buffered** when it finds that the buffer required is inappropriate or impractical and that the elimination of the buffer results in an improvement to the development of the site, superior traffic flow, or improved building design and location. In order to prevent "strip" development, which has been found to be detrimental to the continued development of the Town, there shall be a twenty-five (25) foot buffer between lots within a Commercial Zone B-C. With respect to a lot in excess of **ten (10) acres but not larger than fifty (50) acres within the Commercial Zone B-C, the Commission may reduce the buffer requirement between lots in a Commercial Zone B-C, but cannot reduce the buffer to less than 12.5 feet, and if such buffer is less than twenty-five (25) feet, shall require a three (3) foot high rolling berm that is densely landscaped and properly buffered** when it finds that the buffer required is inappropriate or impractical and that the elimination of the buffer will result in an improvement to the development of the site, superior traffic flow or improved building design and location. For the same reason, there shall be a minimum buffer of twenty five (25) feet from any street adjacent to a Commercial Zone B-C which shall be suitably landscaped after approval by the Commission of the landscape plan under the direction of the Town Tree Warden. 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 Tree Warden.

Dated at Trumbull, CT, this 10th day of June, 2005.

By: 
Joan M. Gruce
Planning and Zoning Administrator/Clerk

EFFECTIVE SEPTEMBER 29, 2004.

New amendments in bold.

ARTICLE XVIII

AGE RESTRICTED ELDERLY HOUSING ZONE

Section 1 - Purpose and Intent

A. It is the purpose and intent of this regulation 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 Elderly Housing Zone (AREHZ) 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 Elderly Housing Zone (AREHZ) 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 fifty-five (55) years of age or older.

Section 2 - Site of Zone

An Age Restricted Elderly Housing Zone (AREHZ) shall consist of at least three contiguous acres, and have frontage on a State highway.

Section 3 - Location of Zone

An AREHZ shall be located only in areas zoned for residential use, and shall have at least 150 feet of road frontage. Such AREHZ shall be located in sewered areas of the town, and shall not be located within one-quarter mile of any zone of higher density than a one-half acre zone, excluding a convalescent home, nursing home, assisted living facility, congregate housing, or PRCZ within the Town of Trumbull.

Section 4 - Density

The maximum number of dwelling units per "buildable" acre shall be no greater than 4 for the property designated as Residence Zone A, and shall be no greater than 2 for property 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.

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

- A. Fifty percent of the land with grades steeper than forty percent.
- B. Seventy-five 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.

Section 5 - Permitted Uses

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

Section 6 - Minimum Building Lines and Limits on Height and Bulk of Buildings

Minimum Road Frontage	150'
Maximum Building Height	35'
Setbacks – Landscaped Front	60'
Landscaped Side	50'
Landscaped Rear	50'
Maximum Lot Coverage	25%

Maximum square footage of each unit in a 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 a Residential 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.

Section 7 - 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 applicable town ordinances and regulations.
- B. All utility facilities shall be placed underground.
- C. The dimensions and construction of the paved portions of the roads shall conform to all applicable town ordinances and regulations.
- D. The dimensions and construction of parking areas shall conform to all applicable town ordinances and regulations.

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

F. All common areas and elements are to be maintained by an association of homeowners and/or a Common Interest Association.

G. All internal roads shall be private roads and not dedicated.

Section 8 - 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 Planning and Zoning Commission. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Planning and Zoning Commission. {The landscape plan shall be submitted to the Commission for final approval prior to the issuance of building permits.}

Section 9 - Design Review

The applicant shall submit design standards in conformance with Section 13 of this Article.

Section 10 - Parking

A minimum of four 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 1-1/4 visitor parking spaces per unit located in the common area.**

Section 11 - Application for Zone Change Approval

An application for a zone change to AREHZ shall include:

A. A completed zone change application as provided for by the Planning and Zoning 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 4 of this Article).

B. A written statement describing how the proposal complied with the purposes set forth in this Article, Section 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.
- D. Preliminary building plans illustrating:
- (1) A typical floor plan.
 - (2) Typical elevations.
 - (3) Design Standards (as required in Section 13 of this Article).

Section 12 - Standards for Zone Change Approval

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

- A. The development project conforms to the purposes set forth in Section 1 of this Article.
- 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.

Section 13 - Standards for Site Plan Approval and Design Review

The Planning and Zoning Commission shall approve a site plan if it complies with the requirements of Section 2 through 11 of this Article 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 thirty-five 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 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 accessway in the development.

(2) No animals or poultry, 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 AREHZ 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 fifty-five (55) years of age or older. 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.

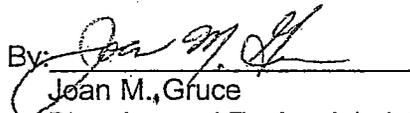
Section 14 – Continuing Nature of Standards

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 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

Dated at Trumbull, CT, this 13th day of September, 2004.

By: 
Joan M., Gruce
Planning and Zoning Administrator/Clerk

AMENDMENTS TO THE ZONING REGULATIONS OF THE TOWN OF TRUMBULL

EFFECTIVE JANUARY 6, 2004

NEW AMENDMENTS IN BOLD

ARTICLE II, SECTION 2.C(1) IS HEREBY AMENDED AS FOLLOWS:

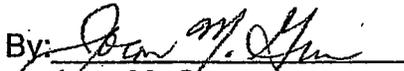
- (1) Building or other structure coverage in a B-C Commercial Zone shall not exceed 20% of the total site available for such use nor shall the total interior square footage of any buildings or other structures to be constructed exceed 40% of the total site excluding any underground parking beneath any building. **With respect to a lot in excess of twenty (20) acres but not larger than fifty (50) acres within the B-C Commercial Zone that abuts a limited access state highway, then building or other structure coverage shall not exceed 30% of the total site provided, however, that in such instance when the coverage exceeds 20%, the total number of trees to be planted in on site parking areas pursuant to the requirements of Article II, Section 2.C(5) shall be increased by a percentage equal to double the percentage that the approved coverage exceeds 20%; provided, however, it does not result in non-conformance with off-street parking regulations.**

ARTICLE II, SECTION 2.C(4) IS HEREBY AMENDED AS FOLLOWS:

- (4) There shall be a minimum 100 foot buffer between a Commercial Zone B-C and any residential zone and a 50 foot buffer between a Commercial Zone B-C and any other zone. **With respect to a lot in excess of twenty (20) acres but not larger than fifty (50) acres within the B-C Commercial Zone that abuts a limited access state highway which is located within a residential zone, the Commission may eliminate the buffer requirement as set forth hereinabove between the Commercial B-C Zone and the Residential Zone when it finds that the buffer required is inappropriate or impractical and that the elimination of the buffer results in an improvement to the development of the site, superior traffic flow, or improved building design and location.** In order to prevent "strip" development, which as been found to be detrimental to the continued development of the Town, there shall be a 25 foot buffer between lots within a Commercial Zone B-C. **With respect to a lot in excess of twenty (20) acres but not larger than fifty (50) acres within the B-C Commercial Zone, the Commission may eliminate the buffer requirement between lots within a Commercial B-C zone when it finds that the buffer required is inappropriate or impractical and that the elimination of the buffer will result in an improvement to the development of the site, superior traffic flow, or improved building design and location.** For the same reason, there shall be a minimum buffer of 25 feet from any street adjacent to a Commercial Zone B-C which shall be suitably landscaped after approval by the Commission of the

landscape plan under the direction of the Town Tree Warden. 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 Tree Warden.

Dated at Trumbull, CT, this 30th day of December, 2003.

By: 

Joan M. Gruce

Planning and Zoning Administrator/Clerk

AMENDMENT TO ARTICLE II, USE REGULATIONS, SECTION 1.E

(EFFECTIVE DECEMBER 24, 2002)

E. Temporary In-Law and Accessory Apartments

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.

1) Definitions:

- (a) Floor area: The sum of the gross internal horizontal area of several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms or unfinished floor area having a clear headroom of less than seven (7) feet.
- (b) Apartment: A room or set of rooms, among the other rooms or sets in one (1) building designed for use as a dwelling and which includes cooking, a **three (3)** fixture bath, and sleeping facilities not to exceed one (1) bedroom.
- (c) Basement Apartment: An 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.

2) Conditions

- (a) An apartment must have at least **three hundred (300)** square feet. Maximum **size** shall not exceed **thirty (30) per cent** of the total floor area of the dwelling.
- (b) At least one (1) dwelling unit in the converted single-family home shall be owner-occupied.
- (c) In all cases, the apartment conversion shall have the exterior appearance of a single-family home, and in no case shall additional front entrances be allowed. **An 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 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; e.g.,

(1) The rental charge for the apartment shall not exceed thirty (30) per cent of the renter's income where such income is less than or equal to eighty (80) per cent of the median income of the area.

(2) 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 ten (10) 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.

3) Application Procedure

(a) Application for a permit for a temporary apartment shall be made to the Planning and Zoning Commission, and shall include, but not be limited to, the following:

(1) 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;

(2) A floor plan of **one-fourth (1/4)** inch to the foot showing proposed changes to the building;

(3) 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.

(b) Pursuant to State statute requirements, the Planning and Zoning Commission shall hold a public hearing. Legal notice of such public hearing shall be published in accordance with State statutes.

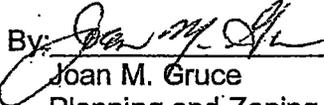
4) Renewal Requirements

(a) The effective period of the 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 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 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.

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

By: 
Joan M. Gruce
Planning and Zoning Administrator/Clerk

11-20-02

AMENDMENT TO ARTICLE II, USE REGULATIONS, SECTION 1.E

(EFFECTIVE DECEMBER 24, 2002)

E. Temporary In-Law and Accessory Apartments

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.

1) Definitions:

- (a) Floor area: The sum of the gross internal horizontal area of several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms or unfinished floor area having a clear headroom of less than seven (7) feet.
- (b) Apartment: A room or set of rooms, among the other rooms or sets in one (1) building designed for use as a dwelling and which includes cooking, a **three (3)** fixture bath, and sleeping facilities not to exceed one (1) bedroom.
- (c) Basement Apartment: An 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.

2) Conditions

- (a) An apartment must have at least **three hundred (300)** square feet. Maximum **size** shall not exceed **thirty (30) per cent** of the total floor area of the dwelling.
- (b) At least one (1) dwelling unit in the converted single-family home shall be owner-occupied.
- (c) In all cases, the apartment conversion shall have the exterior appearance of a single-family home, and in no case shall additional front entrances be allowed. **An 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 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; e.g.,

(1) The rental charge for the apartment shall not exceed thirty (30) per cent of the renter's income where such income is less than or equal to eighty (80) per cent of the median income of the area.

(2) 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 ten (10) 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.

3) Application Procedure

(a) Application for a permit for a temporary apartment shall be made to the Planning and Zoning Commission, and shall include, but not be limited to, the following:

(1) 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;

(2) A floor plan of **one-fourth (1/4)** inch to the foot showing proposed changes to the building;

(3) 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.

(b) Pursuant to State statute requirements, the Planning and Zoning Commission shall hold a public hearing. Legal notice of such public hearing shall be published in accordance with State statutes.

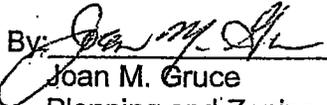
4) Renewal Requirements

(a) The effective period of the 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 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 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.

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

By: 

Joan M. Gruce

Planning and Zoning Administrator/Clerk

11-20-02

AMENDMENT TO THE ZONING REGULATIONS:

(EFFECTIVE SEPTEMBER 9, 2002)

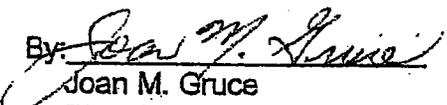
Article IX, Section 7 shall be amended as follows (underlined section is new):

Section 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 not contain more than one bedroom,**" etc.

Balance of this section shall remain the same.

Dated at Trumbull, CT, this 4th day of September, 2002.

By: 
Joan M. Gruce

Planning and Zoning Administrator/Clerk

**ZONING REGULATIONS
OF THE
TOWN OF TRUMBULL
CONNECTICUT**

AMENDMENTS

The Planning and Zoning Commission on its own motion or on petition of the Zoning Board of Appeals, or on petition of one or more property owners, may amend or repeal these regulations or the zoning map as provided in the General Statutes of the State of Connecticut.

VALIDITY OF REGULATIONS

If any provision of these regulations be adjudged invalid or unconstitutional, such adjudication shall apply only to the provisions thus adjudged, and the remainder of these regulations shall be deemed valid and effective.

EFFECTIVE DATE

The original Zoning Regulations were adopted in March 1927, the combined Planning and Zoning Commission adopted and amended these regulations (effective October 15, 1959), and the regulations printed herein (effective July, 1993) shall supersede the pre-existing regulations which shall thereupon be repealed and be of no further force or effect.

**THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF TRUMBULL (1993)**

Vivian Burr, Chairman
Paul Neri, Vice Chairman
Anthony Capasso, Secretary
Kenneth Halaby
Mark Carron
Jean Fillman, Alternate
John Schlechtweg, Alternate
Anthony Chory, Alternate
Joan M. Gruce, Administrator

THE ENCLOSED REGULATIONS INCLUDE AMENDMENTS TO MAY 6, 2002.

TABLE OF CONTENTS

ARTICLE I - GENERAL

Section 1 - Classes of Zones.....1
Section 2 – Definitions.....2
Section 3 - Non-Conforming Uses.....3
Section 4 - Corner Visibility.....5
Section 5 – Fences.....5

ARTICLE II - USE REGULATIONS

Section 1 - Residence Zones.....7
 A. Permitted Uses.....7
 B. Special Exceptions.....8
 C. Accessory Storage Buildings.....11
 D. Non-Profit Senior Citizen Housing.....11
 E. Temporary In-Law and Accessory Apartments.....13
 F. Design District.....15
Section 2 - Commercial Zone B-C (Business).....18
Section 3 - Industrial Zone I-L (Light Industry).....25
 H. Uses Prohibited in Industrial Zones.....30
Section 3.1 - Industrial Office Park.....31
Section 4 - Industrial Zone I-L 2 (Light Industry - 2 acres).....36
Section 4.1 - Medical and Professional Uses Permitted in an IL-2 Zone Where
 There is Excess Space Available in Administrative or Corporate
 Headquarter Office Buildings.....36

Section 4.2 - Medical Uses Otherwise Permitted in an I-L 2 Zone.....38
Section 5 - Industrial Zone I-L 3 (Light Industry - 3 acres).....40
Section 6 - Top Soil, Sand, Gravel, or Other Natural Resources.....40
Section 7 - Uses Prohibited in All Zones.....41
Section 8 - Compatible Alternate Uses (C.A.U.) Permitted in Industrial Zones..42

**ARTICLE III - REGULATIONS FOR LOT AND HOUSE SIZES, BUILDING LINES, AND
HEIGHT AND BULK OF BUILDINGS.....47**

Section 1 - Schedule of Minimum Lot and House Sizes, Building Lines and Limits on Height and Bulk of Buildings.....	47
Section 2 - Minimum Yards.....	49
Section 3 - Accessory Buildings.....	49
Section 4 - Height Exemption.....	49
Section 5 - Projections and Encroachments in Yards.....	49
Section 6 - Computation of Floor Area.....	49
Section 7 - Location of Swimming Pools and Tennis Courts.....	50
Section 8 - Open Space Land.....	50
Section 9 – Interior Lots.....	51
ARTICLE IV - GARAGES, PARKING SPACES, AND LOADING AREAS.....	52
ARTICLE V - ADMINISTRATION AND ENFORCEMENT.....	54
ARTICLE VI - ZONING BOARD OF APPEALS.....	56
ARTICLE VII - SALE OF BEER, ALE, WINE, AND ALCOHOLIC LIQUOR.....	57
ARTICLE VIII - ASSISTED LIVING FACILITY ZONE.....	61
ARTICLE IX - PLANNED RESIDENTIAL DEVELOPMENT UNIT OWNERSHIP.....	64
ARTICLE X - SOIL EROSION AND SEDIMENT CONTROL REGULATIONS FOR LAND DEVELOPMENT.....	69
ARTICLE XI - FLOOD DAMAGE PREVENTION ORDINANCE.....	75
ARTICLE XII - PLANNED RESIDENTIAL CONSERVATION ZONE.....	89
ARTICLE XIII - PLANNED AFFORDABLE HOUSING ZONE.....	94
ARTICLE XIV - AFFORDABLE HOUSING DEVELOPMENT.....	99
ARTICLE XV - SITE PLAN REVIEW.....	105
ARTICLE XVI - HOUSING OPPORTUNITY DEVELOPMENT ZONE.....	108
ARTICLE XVII – WIRELESS TELECOMMUNICATION FACILITIES, TOWERS, ANTENNAS, AND SATELLITE DISHES.....	114
Section 1 – Preamble.....	114
Section 2 – Consistency with Federal Law.....	114
Section 3 – Relevant Definitions.....	115
Section 4 – Permitted and Exempted Uses.....	118
Section 5 – Application Requirements.....	119
Section 6 – General Requirements.....	127
Section 7 – Commission Approval Process.....	129
Section 8 – Certification, Monitoring, and Evaluation.....	130

Section 9 – Removal Requirements.....	132
Section 10 – Additional Fees and Insurance.....	132
Section 11 – Satellite Communications.....	133
Section 12 – Replacement by State Regulations.....	134
ARTICLE XVIII – AGE RESTRICTED ELDERLY HOUSING ZONE.....	135
ARTICLE XIX – MORATORIUMS.....	140

**ZONING REGULATIONS
OF THE
TOWN OF TRUMBULL, CONNECTICUT**

In accordance with the provisions of Chapter 124 of the General Statutes of the State of Connecticut, Revision of 1958 as amended, and for the purpose of providing for the health, safety, and general welfare of the Town of Trumbull, to conserve the value of real property, to encourage the most appropriate use thereof throughout the town, and to accomplish the other purposes set forth in detail in said chapter of the General Statutes, and in accordance with a comprehensive plan, the zoning regulations of the Town of Trumbull are hereby revised to read as follows:

**ARTICLE I
GENERAL**

Section I – 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.

CLASSES OF 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.)
- Residence Zone PRCZ (Planned Residential Conservation Zone)
 - Minimum lot size: 0.70 in one-acre zones
 - 0.35 in ½ acre zones
- Residence Zone PAHZ (Planned Affordable Housing Zone)
 - No minimum lot size – restricted to parcels between three and thirteen acres
- Commercial Zone B-C (business)
- Industrial Zone I-L (light industry)
- Industrial Zone I-L 2 (light industry – 2 acres)
- Industrial Zone I-L 3 (light industry – 3 acres)

Section 2 – Definitions

Words and phrases in these regulations are defined for the purpose thereof as follows:

- A. Words used in the present tense include the future; the singular number and the plural are used interchangeably; the word "lot" includes the word "plot"; the word "building" includes any structure other than a fence or boundary wall; and the words "occupied or used" include the words "designed, arranged or intended to be occupied or used."
- B. A "lot" is a parcel or plot occupied or used by one building or one unit group of buildings and its accessory building and uses, including such open spaces as are provided or as are required by these regulations.
- C. A "street line" is the dividing line between a street or highway right-of-way and a lot.
- D. The "height" of a building shall be the average vertical distance measured from the bottom of the first floor sill along all walls of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs; and to the highest point of any other type of roof.
- E. A "story" shall be 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 be no floor above it, then the space between such floor and the ceiling or roof next above it.
- F. A "rear lot line" is the lot line opposite to the street line and, in the case of a corner lot, the rear-lot line may be elected by the owner, by his so indicating on the application for a permit to build; provided, however, that in the case of a corner lot where the lot frontage abutting on either of the streets is less than the prescribed minimum as stated in these regulations, the "rear lot line" is the line opposite the main entrance of the building to be erected.
- G. A "front yard" is a required open unoccupied space within and extending the full width of the lot between the street line and the parts of the building nearest to such street line.
- H. A "side yard" is a required open unoccupied space within the lot between a side lot line, not a street line, and the parts of the building nearest to such side lot line. Such a side yard shall extend through for its required width from the rear of the front yard, to the rear yard or its equivalent.
- I. A "rear yard" is a required open unoccupied space, except for accessory buildings, the full width of the lot, between the rear lot line and the part of the main building nearest the rear lot line. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half way between such rear wall and the point of intersection of the side lines of the lot.
- J. The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such lot line.

- K. A "family" shall be one or more persons living together as a housekeeping unit of whom at least three-quarters shall be related by blood, marriage, or adoption.
- L. An "accessory use" or "accessory building" is a subordinate use or building which is customarily incident to the main use or building and which is located on the same lot with said main use or building.
- M. A "farm" shall be any piece or parcel of land five (5) acres or more in area used for agricultural purposes and to farm and to provide a source of income for the person using said property; provided, however, that where livestock is raised or kept, the piece or parcel of land so used shall be ten (10) acres or more in area, and any enclosure or structure used in connection with the raising or keep of livestock shall be located at least 100 feet from any lot line in order for the property thus used to qualify as a "farm" hereunder.
- N. Interior Lot – A building lot which does not meet the Minimum Road Frontage requirements of Table 1 – MINIMUM LOT AND HOUSE SIZES, BUILDING LINES AND LIMITS ON HEIGHT AND BULK OF BUILDINGS.

Section 3 – Non-Conforming Uses

Any building, structure or use legally existing on the effective date of these regulations, or any amendment thereto, which does not comply with any of said regulations or amendments, may be continued, SUBJECT, HOWEVER, to the following conditions and restrictions:

- A. No non-conforming building or structure or use, or non-conforming portion of a building or structure or use shall be enlarged or increased or changed to a non-conforming building or structure or use which contravenes to a greater extent these regulations; provided, however, that additions to buildings or structures used as a residence presently non-conforming as to floor area, lot, or yard requirements may be made if said additions do not create any greater degree of non-conformity of yard requirements.
- B. Any non-conforming use existing on the effective date of these regulations may be hereafter extended throughout any part of a building which was manifestly arranged or designed for such use on said effective date, notwithstanding the restriction in sub-section A above against the enlargement of such use but SUBJECT, HOWEVER, to the other provisions of said sub-section.
- C. Any non-conforming use, building, structure or premises hereafter changed to conform with the requirements of these regulations shall become subject to these regulations and shall not be thereafter permitted or re-established as non-conforming.
- D. When a non-conforming use shall have been discontinued for a continuous period of 180 days, such non-conforming use shall not thereafter be resumed or replaced by any other non-conforming use and any building or premises which is non-conforming or is used for a non-conforming use and which is likewise not used for such non-conforming use for a continuous period of 180 days, shall thereafter be used in conformity with these regulations.
- E. Any non-conforming building or structure or part thereof which is unsafe may be strengthened or restored to a safe condition, provided the right to maintain the non-conforming status thereof has not otherwise been lost or abandoned.

F. In the event that wind storm, fire, flood, earthquake, explosion, war, riot, Act of God, or casualty causes damage to any non-conforming building or structure which, as determined by the Board of Assessor's, amount to more than 50% of the fair market value of said building or structure at the time of said damage, or in the event of the interruption of any non-conforming use due to such amount of damage to a building or structure whether such building or structure be conforming or non-conforming, such use shall not be resumed and any such non-conforming use or structure shall not be restored or re-erected except as permitted by the terms and conditions of approval granted by the Zoning Board of Appeals, which approval shall not be granted by said Board unless it finds:

- 1) 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.
- 2) That adequate provision for off-street parking is made for vehicles belonging to employees, customers and others using said buildings or structures.
- 3) 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.
- 4) 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.
- 5) 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 non-conforming use or building or structure 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 non-conforming use or restoring or re-erecting such buildings or structures.

G. In the event that a wind storm, fire, flood, earthquake, explosion, war, riot, Act of God, or casualty causes damage to a non-conforming building or structure amounting to less than 50% of the fair market value of said building or structure at the time of said

damage, no such building or structure shall be restored and no non-conforming use shall be resumed on such premises unless said restoration shall be completed or resumption shall take place within twelve (12) months after such damage occurs.

H. The following conditions and restrictions shall apply in the case of non-conforming advertising billboards and display signs of all types existing on the effective date of these regulations or any amendment thereto and not in compliance with any such regulations or amendments:

- 1) A display sign or billboard which, in the opinion of the Building Official is unsafe, may be ordered removed by the Building Official. Such order of removal shall be made by serving a written copy of the order upon the owner of the display sign or billboard, or, if the owner cannot be readily located, upon the owner of the property upon which such display or billboard is located. The order may require removal of the display sign or billboard within ten (10) days of the receipt of the order. If the display sign or billboard shall not be removed by the owner thereof or by the owner of the property upon which it is located, the Building Official shall remove such display sign or billboard at the expense of the owner thereof or of the owner of the property upon which it is located.
- 2) In the event that any non-conforming display sign or advertising billboard blows down, falls down, or is otherwise substantially damaged by accidental causes, or due to wind storms, fire, flood, earthquake, explosion, war, riots, Act of God or casualty, such non-conforming display sign or billboard shall not be restored or re-erected.

I. The installation of heating facilities, kitchen facilities, plumbing facilities, and/or the addition to heating facilities, kitchen facilities, and plumbing facilities in non-conforming buildings or structures are an enlargement of and/or increase to the non-conforming building or structure.

J. The use or occupancy of a non-conforming building or structure, used or occupied during a particular season only, or for part of a year only, at times or periods other than said particular season or part of a year is an enlargement of and/or increase to the use or occupancy of the non-conforming building or structure.

Section 4 – 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.

Section 5 – Fences

Any fence or structure constructed or so designed primarily to cause annoyance or damage to an adjoining owner or to adjoining property is prohibited and its removal shall be secured in the manner provided above for the removal of unsafe billboards. In no event shall fences exceed 4 feet in height within the minimum yard requirements as set forth in these regulations. 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. Stone walls and retaining walls not exceeding three feet in height shall be excluded from the provisions of this section.

ARTICLE II
USE REGULATIONS

Section 1 – Residence Zones

A. Permitted Uses

Within any residence zone no building, structure or premises 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) A one family detached house for one housekeeping unit only.
- 2) A garage with a capacity of no more than three cars for use in connection with a house; providing, however, that a panel or pick-up truck not to exceed a one ton load capacity may be substituted for one of said cars.
- 3) Playgrounds, parks, reservations, and recreation facilities operated by or under the control and direction of the town.
- 4) Real estate signs not over 12 square feet in area, advertising the sale, rental or lease of the premises on which they are maintained and not referring to other premises.
- 5) Such traffic control and other signs as shall be erected by the Town, State, or Federal governments.
- 6) Farms, and horticultural and/or wild life reservations.
- 7) A swimming pool, gazebo, greenhouse, garden or tool shed, swimming pool cabana, or tennis court as an accessory use to a house, located on the same lot with said house; and for the private use of the owners or occupants of such house.
- 8) 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 sideyard 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 sideyard 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.
- e) No more than one such recreational vehicle or boat shall be permitted on one residential lot.
- f) A permit shall be obtained from the Building Department upon payment of a specified fee together with the filing of an application form; said permit shall be renewable every three years, and may be revoked for non-compliance with the conditions of this regulation, or if the vehicle or boat constitutes a public or private nuisance.

B. Special Exceptions

The following uses may be permitted as special exceptions provided that the Zoning Board of Appeals finds that adequate off-street parking facilities are provided in connection therewith; that the existing public streets are suitable and adequate to handle any additional traffic generated by the proposed use; that no hazard to the public health or safety will result from the proposed use or the traffic generated thereby; that the land on which such use is to be conducted is landscaped in such a manner and the buildings in which such case is to be conducted are so designed in external appearances and layout that reasonable harmony with surrounding residential structures is maintained; that said land and buildings as so used will not detract from the residential character of the neighborhood in which they are located and will not adversely affect property values in said neighborhood; and that the proposed use will not contravene any of the purposes of zoning as set forth in Section 8-2 of the General Statutes of Connecticut, Revision of 1958 and provided further that the Zoning Board of Appeals shall determine the minimum yards and maximum lot coverage to be applied in said special exception, which minimum yards and maximum lot coverage shall in no event be less than is prescribed in the Schedule under Article III, and may impose such further conditions in connection with the proposed use as it shall deem necessary to satisfy the conditions and standards set forth herein:

- 1) Cemeteries in any residence zone except Residence Zone AAA, 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.

- 2) Churches and other places of worship, including parish houses and Sunday School buildings; non-profit primary and secondary schools; and buildings housing personnel affiliated with said churches and schools.
- 3) Libraries, museums, firehouses.
- 4) Housing projects for elderly persons 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.
- 5) Hospitals, sanitariums, and convalescent homes, which uses shall not include correctional institutions or institutions for the insane or for drink or drug addicts, subject to the following:

In addition to the provisions, conditions and standards set forth in the introductory paragraph under Article II, Section 1B, Special 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 (5).

- 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 thirty five (35) 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) Exterior lighting shall be in such a manner as not to cause illumination or glare outside the parcel.

- i) Outside storage of trash, rubbish, or other material or equipment including vehicles is prohibited.
- j) 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.
- k) 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.
- l) The uses shall be serviced by municipal sanitary sewers only, and in accordance with town sewer ordinances.
- m) Existing buildings may be used for uses permitted in this section only if all provisions, conditions and standards of this section are complied with.
- n) 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 therefor shall be submitted to the Town of Trumbull.
- o) The uses shall be permitted in districts zoned as Residence Zone A, only.
- p) No such use shall be located within 1,500 feet of the nearest property line of any other such use.
- q) Bonds will be required to be filed with the Town of Trumbull to assure compliance with these regulations and conditions.
- r) 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 the regulations, prohibitions and standards herein set forth; and upon failure to comply with the same within 24 hours after written notice of non-compliance from the Zoning Board of Appeals, said Board may revoke any permission previously granted and enjoin any such use. 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.

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

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.

C. Accessory Storage Buildings

- 1) The use of an accessory building for the storage of yard and gardening equipment, pool equipment and children's toys may be permitted as a limited permit provided that the person or persons charged with the enforcement of these regulations finds that said accessory building complies with the following terms, conditions and standards:
 - a) The said accessory building shall not contain more than 120 square feet of floor space, and shall not be of a height greater than 10 feet;
 - b) Said accessory building shall not be closer to the front street 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 20 feet from both the rear and side lines of said lot;
 - c) The color and exterior design shall be such as to be in general harmony with the dwelling on said premises;
 - d) The said accessory building shall not detract from the residential character of the neighborhood in which it is located, and shall not adversely affect property values in the said neighborhood, and shall be in reasonable harmony with the surrounding residential structures;

D. Non-Profit Senior Citizen Housing Facilities

The following use may be permitted by means of a special permit granted by the Planning and Zoning Commission.

- 1) Alternate styles of Senior Citizen Housing facilities in conjunction with a hospital or convalescent home, which use shall not include correctional institutions or institutions for the insane or for drink or drug addicts, 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 25 feet in height, and said units shall 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.
- m) Bond, in a form set forth by the Planning and Zoning Commission, shall be required to be filed with the Town of Trumbull to assure compliance with these regulations and conditions.
- n) 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 the regulations, prohibitions, and standards herein set forth; and upon failure to comply with the same 24 hours after written notice of non-compliance from the Building Official, the Planning and Zoning Commission may revoke any permission previously granted and enjoin such use. The approval of any application for a special permit shall be conditioned upon start of construction within six months, and completion of the proposed improvements in accordance with the approved plans within a period of two years from the effective date of special permit. In the event of an appeal or appeals, the time period shall commence from date of final decision on the appeal or appeals. One extension for an additional period not to exceed one year may be granted by the Commission after a hearing for good cause shown.

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

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.

o) The following data and information shall be submitted to the Planning and Zoning Commission at the time of application for said Special Permit:

(1.1) Class A-1 property line survey.

(1.2) Accurate topographical map showing a minimum contour interval of 2 feet and all other topographical features of the property including streams, water courses, ponds, roads, paths, structures, parking lots, rock outcroppings, wooded areas, individual trees over 12 inches in diameter, stone walls, and all underground utilities including gas, water, sanitary lines, and storm water lines.

(1.3) Floor plans and elevations of all buildings. Such drawings shall be accompanied by a brief description of the construction materials to be used.

(1.4) An overall site plan showing the planned development of the site, including all buildings, road parking areas, recreation and storage areas, necessary shrub or tree screening, landscaping and utility services.

(1.5) Perspective views of the buildings.

E. Temporary In-Law and Accessory Apartments

STATEMENT OF PURPOSE

To provide 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.

1) Definitions

(a) Floor area: The sum of the gross internal horizontal area of several floors of the building, but not including attached or built-on garages, porches or terraces, unfinished rooms or unfinished floor area having a clear headroom of less than seven (7) feet.

- (b) Apartment: A room or set of rooms, among the other rooms or sets in one building designed for use as a dwelling and which includes cooking, 3-fixture bath, and sleeping facilities not to exceed one bedroom.
- (c) Basement Apartment: An 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.

2) Conditions

- (a) No home built after the adoption of the regulation will be permitted to have an apartment for a five-year waiting period after completion of said home.
- (b) An apartment must have at least 300 square feet. Maximum shall not exceed 800 square feet, or 25% of the total floor area of the dwelling, whichever is greater, except in the case of a pre-existing detached garage or auxiliary building, in which case it may not exceed the current exterior dimension.
- (c) At least one dwelling unit in the converted single-family home shall be owner-occupied.
- (d) In all cases, the apartment conversion shall have the exterior appearance of a single-family home, and in no case shall additional front entrances be allowed.
- (e) The design and size of the apartment must conform to all applicable standards in the health, building, and other codes.
- (f) At least four off-street parking spaces must be available.
- (g) The apartment shall have safe and proper means of entrance and exit. In the case of a basement apartment, there shall be at least two separated exits, and proper ventilation shall be provided.
- (h) 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.

3) Application Procedure

- a) Application for a permit for a temporary apartment shall be made to the Planning and Zoning Commission, and shall include, but not be limited to, the following:
 - (1) 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;

- (2) A floor plan of ¼ inch to the foot showing proposed changes to the building;
 - (3) The application shall include an accurate description of the proposed facility, drawings of any proposed addition, four 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.
- b) Pursuant to State statute requirements, the Planning and Zoning Commission shall hold a public hearing. Legal notice of such public hearing shall be published in accordance with State statutes.
- 4) Renewal Requirements
- a) The effective period of the Special Permit shall be three (3) years. At the end of every three (3) 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 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 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.

5) Amnesty for Existing Apartments

- a) All apartments illegally existing on the day these amendments are adopted shall have a period of six (6) months to file an application with the Planning and Zoning Commission for a Special Permit to allow the use to continue.
- b) If an application is not submitted as stated in (a), fines will be issued in accordance with State statutes to all violators.
- c) If an apartment is approved under this section, a Certificate of Occupancy must also be issued by the Building Department.

F. Design District

STATEMENT OF PURPOSE

To provide homeowners in a designated area the opportunity to preserve the basic structure of, and single family appearance of, homes in a residential neighborhood

by providing additional uses of a professional nature which will preserve the residential character of the remaining homes in an area that has uses other than single family homes.

1) Location

For purposes of this regulation, the Design District shall be located 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. All properties having frontage on White Plains Road or an existing easement for access onto White Plains Road shall be included, except for the following:

(Note: Boundary description on file in Town Clerk's Office and Planning and Zoning Office.)

- a) Properties zoned for multi-family and/or affordable housing shall not be included.
- b) No property subdivided after the effective date (July 13, 1995) of these regulations shall be included.

2) Conditions

- (a) Parking shall be permitted in the rear yard and the side yard with landscaped buffers; parking is prohibited in a front yard, and sideyard parking shall be no closer to the street line than the dwelling.
- (b) A minimum of four (4) off-street parking spaces, a minimum of 9' x 18', shall be provided for each permitted use, except for funeral homes as specified in par. F (3)(a) below; no street parking shall be permitted.
- (c) This use shall not be permitted in a home constructed after the effective date (July 13, 1995) of these regulations.
- (d) The business user must own, occupy, and maintain an office or business in the subject premises.
- (e) Only one such use shall be permitted per dwelling; only two of the same use shall be permitted in the entire district.
- (f) Building coverage shall not exceed 25%.
- (g) Signage for funeral homes shall be limited to one per lot, no larger than 12 square feet, ground lighting only, and set back a minimum of 10 feet from the property line; all other signage shall be on a front door plate near the street number and shall not exceed 4"x8".

3) 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.

(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., but specifically excluding from such definition doctors of veterinary medicine.

(g) Registered dietitians

(h) Psychologists

(i) Real estate offices

(j) Family therapists

(k) Social workers

(l) Nurse clinicians

(m) Insurance agents

4) Application Procedure

(a) An application for a Special Permit for a permitted use in a Design District shall be made to the Planning and Zoning Commission, and shall include the following:

(1) A notarized letter of application from the owner(s) stating that he/they will occupy and maintain an office or business in the subject premises, except for bona fide temporary absences;

(2) A floor plan of ¼ inch to the foot showing proposed changes to the building;

- (3) 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) A public hearing will be held on all applications for this use, in accordance with applicable State statutes.

Section 2 – Commercial Zone B-C (Business)

In any area now or hereafter designated Commercial Zone B-C (Business) the following regulations shall apply for the use of all land, buildings, structures, or premises of any kind including any expansion, modification, or extension of any use previously granted:

A. Conditions for Approval

The following uses may be permitted under special permits in addition to other uses which the Commission may determine to be of similar type, style, and nature. The granting of any special permit for any use within a Commercial Zone B-C shall be subject to the standards set forth in these regulations and 8-2 of the Connecticut General Statutes which are expressly incorporated herein by reference. The Commission may approve, disapprove, or approve with modification, any special permit application for any use, modification, any special permit application for any use, expansion, modification, or extension of such use, and shall take into consideration those conditions necessary to protect the public health, safety, convenience, and property values. Such factors and conditions shall include any impact of traffic on town roadways which may be reasonably affected by the proposed use, congestion and/or overcrowding of land, harmony and appropriateness of the use to adjacent properties and zones, and adequate parking, water, sewage, fire protection and other services to the site. The Commission shall, in addition, consider those conditions necessary to protect the public safety which shall include the increased likelihood of crime or disruption, vehicular accidents, the present condition of adjacent street or road access, and any proposal or changes to be made thereto and the protection of existing topography and contours to minimize destruction of the site. The use shall be consistent with the orderly economic and demographic development of the Town of Trumbull and shall be consistent with any Master Plan of Development approved by this Commission to which reference may be given.

B. Types of Uses

- 1) A retail business or retail service 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.

- (b) Books, newspapers, periodicals, or stationery.
 - (c) Laundry or cleaning agency.
 - (d) Drugs or toilet articles.
 - (e) Florist shop.
 - (f) Gift shop.
 - (g) Antiques.
 - (h) Jewelry.
 - (i) Shoes and shoe repairing.
 - (j) Photographer's studio.
 - (k) Barber shop and beauty parlor.
 - (l) Hardware and household appliances.
 - (m) Clothing and related lines.
 - (n) Theater.
 - (o) Bowling alley.
 - (p) Department and variety stores.
 - (q) Restaurants.
- 2) Business and professional offices.
 - 3) Bank.
 - 4) Post Offices.
 - 5) Firehouses.
 - 6) Newspapers and job printing.
 - 7) Clubs and fraternal organizations.
 - 8) 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) 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 non-conforming 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.
- 9) Hotels, subject to the following conditions and restrictions:
- (a) A hotel for the purpose of these regulations is defined as a building or buildings or portions thereof containing rooms occupied primarily by transient guests, public rooms and meeting rooms, restaurant and banquet facilities, lounges serving liquor, recreational facilities, and accessory uses incidental to the foregoing.
 - (b) The minimum lot area shall be ten (10) acres.
 - (c) The minimum lot frontage shall be five hundred (500) feet.
 - (d) 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.
 - (e) 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.
 - (f) Outside storage of trash, rubbish or other materials is prohibited, except in a completely screened area such as a block wall screened by shrubs.
 - (g) The property shall be served by municipal sanitary sewers only.
 - (h) 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 the greater.
- "Public space" for the purpose of this subparagraph (9)(h) 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 (9) shall be as provided in this subparagraph (9), any other provision of these regulations to the contrary notwithstanding.

- (i) No building shall exceed fifty (50) feet in height. Such maximum height shall be applicable to this use only, notwithstanding the provisions of Art. III, Sec. 1 to the contrary.
- (j) Any parking garage or parking decks shall not be included in calculating maximum lot coverage under Article III of these regulations. However, any such parking garages and decks shall not in the aggregate exceed 10% of the total lot area.

C. Parcel Coverage, Maximum Building Height, and Use Restrictions

- 1) Building or other structure coverage in a B-C Commercial Zone shall not exceed 20% of the total site available for such use nor shall the total interior square footage of any buildings or other structures to be constructed exceed 40% of the total site excluding any underground parking beneath any building.
- 2) The minimum lot size for any Commercial Zone B-C shall be two acres.
- 3) No building shall exceed 35 feet in height. 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 Planning and Zoning 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.
- 4) There shall be a minimum 100 foot buffer between a Commercial Zone B-C and any residential zone, and a 50 foot buffer between a Commercial Zone B-C and any other zone. In order to prevent "strip" development, which has been found to be detrimental to the continued development of the Town, there shall be a 25 foot buffer between lots within a Commercial Zone B-C. For the same reason, there shall be a minimum buffer of 25 feet from any street adjacent to a Commercial Zone B-C which shall be suitably landscaped after approval by the Commission of the landscape plan under the direction of the Town Tree Warden. 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 Tree Warden.
- 5) Any use within a Commercial Zone B-C shall provide sufficient parking which reasonably accommodates the nature and purpose of the use proposed; on-street parking is prohibited. Parking spaces shall be a minimum of 9 feet by

18 feet, double striped, and designated aisleways for traffic within the parking lot area shall be a minimum of 24 feet. Any proposed 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 Tree Warden) 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.

- 6) 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 a term not to exceed one year, for such uses as outdoor dining, cafes, or other appropriate outdoor uses. Any such approval may be extended, for year to year, on application to the Commission.
- 7) Development of the site shall retain, as nearly as practical, 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 plantings 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 plantings, and/or erection of screens.

D. Procedure on Application

Permission to use property in a Commercial Zone B-C shall be obtained by means of a special permit granted by the Planning and Zoning Commission. The Commission shall approve, modify and approve, or disapprove any application for a special permit within 65 days from the public hearing thereon taking into consideration the conditions and restrictions set forth above.

An application for a special permit shall be made on a form provided by the Commission and shall be accompanied by a reasonable fee to cover the underlying costs of processing the application in an amount to be prescribed by the Planning and Zoning Commission on the application form and shall include the following:

- 1) A description of proposed use in sufficient detail to indicate whether the proposed use is one of the enumerated uses permitted in B-C zones, or a use which, in the Commission's opinion, is substantially similar in type to those enumerated.

- 2) Site plans showing existing and proposed buildings or any expansion, modification, or extension thereto, structures, signs, outdoor illumination, access roads, off street parking and loading space, storm drainage, sanitary sewers, landscaping and contours, all of which shall be subject to the approval of the Commission.
- 3) The architectural design of proposed buildings, signs, and other structures prepared by a registered architect or professional engineer, including building material, color, exterior of the building, all of which shall be subject to the approval of the Commission.
- 4) Proposed construction of all roadways and drainage structures and facilities shall be submitted to the Town Engineer in the form of a plot plan including elevations and grades.
- 5) Such other information, unique to the site development, as may be reasonably required by the Planning and Zoning Commission.
- 6) In order to reduce costs to the applicant, the Commission may, in its discretion, accept preliminary proposals in such form as the applicant may wish to present, for preliminary discussion purposes only, which preliminary proposal will be heard at a duly warned public hearing of the Commission and discussed in open forum.
- 7) To the greatest extent possible, the requirements contained in this section shall be adhered to for any site plan application involving the expansion, extension or structural alteration of any existing building and/or new use or change of use for a developed site.

E. 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 business or commercial purposes shall be subject to compliance with the regulations, prohibitions, and standards set forth; and upon failure to comply with the same within 72 hours after written notice of non-compliance from the Planning and Zoning Commission, said Commission may revoke any permission previously granted and enjoin any such use. The approval of any application for a special permit shall be conditioned upon start of construction within six months, and completion of the proposed improvements in accordance with the approved plans within a period of two years from the effective date of special permit. In the event of an appeal or appeals, the time period shall commence from date of final decision on the appeal or appeals. One extension for an additional period, not to exceed one year, may be granted by the Commission after a hearing for good cause shown.

No building permits shall be issued until a mylar of the final approved Special Permit/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

Applicants shall provide a copy of Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations, which comments and recommendations shall be presented to the Planning and Zoning Commission as a part of the application.

F. External Signage

- 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 Planning and Zoning Commission shall specify with due regard to the requirements, conditions, and limitations set forth below:
 - a) Height of all signs shall be limited to five feet. Free-standing signs may be placed on supports so as to elevate the sign for visibility. Under no circumstances may the top of any free-standing signs be above the roof line of the building, or ten (10) feet, whichever is less.
 - b) Support materials for a free-standing 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 internal or external to the sign. No blinking or flashing lights allowed. Light to be of a single color [white, off-white, or incandescent (yellow)]. Lighting must be such that no direct light shines towards a residential structure within line of sight.
 - d) Free-standing signs shall be located at least twenty feet behind the front property line. If there is a landscape buffer, the signage, if located within the landscape buffer shall be within twenty feet of the end of the landscape buffer nearest the building.
 - e) Maximum size of the sign shall be one-half square foot of sign space for every 1,000 square feet of building space (maximum 100 square feet), except for buildings of 30,000 square feet or less for which the sign shall be 15 square feet.
 - f) Lettering for the sign shall be of appropriate size. A maximum of three colors may be used on each sign. 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 sign for property. No directory of tenants may be considered for signage.
 - h) For free-standing 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 plantings 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 signage 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 signage area shall be 100 square feet.
- (b) Individual signage for major tenants must be located upon the building surface and shall follow all of the rules stated above for single use parcel signage affixed to a building. Size of the sign shall be one square foot per 1,000 square foot of rented space to the major tenant. Signs must be of no more than three colors. Signage may be divided into multiple signs, up to one sign for each 50,000 square feet of leased area.
- (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 signage are permitted; either an unlit sign which can be a directory, or a lit sign which then can identify only one tenant. Such signs shall be limited to 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, these 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.

Section 3 – Industrial Zone I-L (Light Industry)

INTRODUCTION

The purpose of these regulations is to achieve optimum use of land in the Town of Trumbull in furtherance of the Master Plan (as the same may be amended from time to time); to afford to industry the opportunity to locate in Trumbull in attractive surroundings; to provide increased employment opportunities for the skilled labor force that exists in the town; to broaden the tax base so as to include more non-residential taxpayers and to preserve the suburban-rural character of the community.

In any area now or hereafter designated an Industrial Zone I-L (Light Industry) the following regulations shall apply for the use of all land, buildings, structures or premises of any kind.

A. Procedure

Permission to use property in an I-L zone shall be obtained by means of special permits granted by the Planning and Zoning Commission. An application for a special permit shall be made on a form provided by the Commission and shall include the following information:

- 1) A description of the proposed use in sufficient detail to indicate possible deviations from the Standards of Performance prescribed in these regulations together with measures proposed to secure compliance therewith.
- 2) Perspective drawings of each building showing its general configuration and appearance together with drawings showing relative elevations of finished grades and ground floor, such elevations to indicate the height of all structures. Such drawings shall be accompanied by a brief description of the construction materials to be used.
- 3) Complete site plan of premises showing location of all buildings, roads, parking, recreation and storage areas, drainage facilities, necessary shrub or tree screening and utility connections.
- 4) Engineering plans for all sewage and waste disposal systems which plans shall be subject to the approval of the State Water Commission and Town Health Department.
- 5) Maximum number of shifts and maximum number of employees per shift.
- 6) A general plan of landscaping front yards and side yards on zone boundary or street.
- 7) Such other information as may be required by the Planning and Zoning Commission.

The Planning and Zoning Commission shall engage such professional assistance as it deems necessary to determine whether proposed uses will conform to the Standards of Performance. The Planning and Zoning Commission shall act on any application within 60 days from the hearing thereon.

B. General Provisions

- 1) Outside storage of raw materials, work in process, finished products, machinery or any other equipment or materials including trucks uses on the premises shall be in an area completely screened from adjacent lots or zones (except for access driveways) by shrubs and/or trees so that there will exist within five years a foliage screen 75% effective to a height of 12 feet. All proposed screening shall be evaluated by the Trumbull Tree Warden to assure compliance with the requirement.
- 2) Soft coal shall not be used as a fuel.
- 3) Yards abutting streets or residential boundaries shall be planted with grass and supplemented with flowers and ornamental shrubbery.
- 4) Recreational facilities for employees may not be located in front yards, or any yard abutting a residential zone.
- 5) Building plans and specifications must be drawn by a licensed architect or professional engineer, and must have the approval of the Connecticut Department of Labor.

- 6) Proposed construction of all roadways, parking and loading areas and drainage structures and facilities must be submitted to the Town Engineer in the form of a plot plan with elevations and grades for his approval.
- 7) Only permanent building will be permitted (except during the course of construction). Exterior walls shall be of a fire rating of two hours. They shall be masonry, concrete or glass, or of insulated panel construction with surfaces of protected metal, cement asbestos or other equally weather resistant and durable materials.

Major internal structural elements shall be of steel or re-enforced concrete.

C. Use Standards

1) General

No property in an industrial zone shall be used, whether for the manufacture, assembly or testing of products, or otherwise, in such a manner as to have a detrimental or injurious effect upon the health or comfort of residents of Trumbull or adjacent towns as indicated by standards of performance which shall govern the following:

- a) Noise heard or vibration felt beyond zone boundary.
- b) Air pollution, including dust, odor, fumes, smoke or the like, present beyond zone boundary.
- c) Exposure of any property to hazard of fire*, explosion or radiation.
- d) Glare from lighting or other cause seen beyond zone boundary.
- e) Discharge of treated or untreated sewage or waste into any pond or watercourse (active or inactive, on or below the surface.)
- f) Generation of vehicular traffic hazard.

*Proposed fire prevention measures shall be submitted to the State Fire Marshal for his approval.

2) Specific

a) Noise

- (a-1) At no point on the boundary of any bordering residential zone during the hours 7 a.m. to 10 p.m. shall the continuously radiating sound level (measured in decibels) from any operation exceed the decibel level in Table 1 below:

TABLE 1

Octave band, cycles per second	Maximum sound level, in decibels
0-75	68
75-150	55

150-300	48
300-600	44
600-1200	40
1200-2400	36
2400-4800	32
4800- up	30

The standards in Table 1 are for the protection of the neighboring residential areas.

- (a-2) At no point with a Light Industrial Zone during hours 7 a.m. to 10 p.m., nearer than 125' from a property line, or nearer than 250' from a zone boundary shall the continuously radiating sound level (measured in decibels) from any operation exceed the decibel levels in Table 2, below:

TABLE 2

Octave band, cycles per second	Maximum sound level, in decibels
0-75	74
75-150	62
150-300	56
300-600	51
600-1200	45
1200-2400	40
2400-4800	36
4800- up	33

The standards in Table 2 are for the protection of users of a Light Industrial Zone. In the event of any conflict between Table 1 and Table 2 during tests for noise level, Table 1 has precedence over Table 2.

- (a-3) The maximum sound limits of Tables 1 and 2 shall be adjusted up or down for the following conditions in the amounts indicated below:

- (1) Night operation, 10 p.m. to 7 a.m. Subtract five decibels.
- (2) Noise of impulsive character such as hammering, or periodic in character such as hum, screech or continuous tones. Subtract five decibels.
- (3) Noise existing less than 10% of any one-hour period. Add five decibels.

- (a-4) Sound levels shall be measured with a sound level or decibel level meter and associated octave band analyzer that conform to current American Standards Association specifications.

b) Vibration

At no point on the boundary of any bordering residential zone shall any vibration exceed .0002 inches to a frequency of 15 cycles per second or less, when measured by a seismograph of accepted standard manufacture.

c) Air Pollution

No DUST, SMOKE, ODOR, or FUMES shall be emitted from any operation so as to be noticeable or evident on the boundary of a bordering residential zone.

d) Glare and Heat

Glare and heat from lighting or any process or operation shall not be seen or felt at the boundary of a bordering residential zone.

e) Explosion, Fire, or Radiation Hazards

At any point in the zone, any exposure to explosion or fire shall be safeguarded by all means available, and such safeguards shall be subject to the approval of the State Fire Marshal.

No operation in the zone shall produce radio or television interference noticeable to any degree beyond the zone boundary.

D. 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 industrial 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 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

E. Building Lines, Parcel Coverage, etc.

1) No parcel of land shall be used for industrial purposes unless it shall consist of at least 5 acres. The average greater dimension shall not exceed 3 times the average smaller dimension.

2) Building coverage shall not exceed $33\frac{1}{3}$ % of parcel area.

- 3) No building shall be located less than 100 feet from a street, less than 200 feet from a residential zone boundary, nor less than 50 feet from any other property line.
- 4) No building shall exceed two (2) stories or 35 feet in height except vents, skylights, elevator enclosures and other mechanical rooftops apparatus. Such structures shall not exceed 30% of roof area and shall not extend more than 15 feet above the roof.
- 5) Security or reception buildings may be located no less than 10 feet from the street line and shall not exceed 15 feet in height.

F. Provisions for Vehicles

PARKING: Off street parking shall be provided for assembly/factory type usage and shall consist of one parking space for every 1.5 employees. Off-street parking for corporate office buildings in all I-L zones shall consist of one space for every 250 square feet of office floor space. Each space shall be equal to 162 square feet (9' x 18', double striped) with a 26 foot aisleway (effective 6/23/00). Access to all parking areas shall be adequate to prevent any traffic congestion or hazard. Parking, other than for visitors, shall not be permitted in a front yard or in any side yard that abuts a residential zone.

LOADING AREA: Loading areas shall be of sufficient area to avoid encroaching on access roads or causing traffic congestion or hazard.

ACCESS ROADS: Access roads shall be provided from parking areas and buildings to public streets so that no traffic congestion or hazard is created. All parking areas and access roads and loading areas shall be permanently paved and shall be lighted for night use in such a manner that no glare is caused to adjacent zones.

G. Signs

- 1) Directional signs shall not exceed 6 square feet, and shall be no higher than 6 feet above the ground.
- 2) Signs mounted on buildings shall not project above roof level.
- 3) Signs twenty feet from lot lines, displaying the name of the firm or building, shall not exceed one-half square foot for every 1,000 square feet of building space, and shall not extend more than five feet above the ground; there shall be a limit of one such sign per plot.
- 4) Signs, whether or not attached to buildings, shall be lighted by floodlight only. Such floodlights shall be so aimed as not to illuminate buildings outside the zone. Floodlights to illuminate buildings may be used in front yard only, aimed as required above.
- 5) No sign lighting which operates intermittently or with varying intensity or so as to cause radio or television interference shall be permitted.
- 6) Support materials shall be the same as the building.

H. Uses Prohibited in Industrial Zones

The following uses are prohibited in Industrial Zones except as provided for under Article II, Section 8:

- 1) Residences.
- 2) Retail business and trade, including lunchrooms, garages and filling stations serving the general public.
- 3) Medical and professional uses except in an IL-2 zone as provided for in Section 4.1.
- 4) New or used car sales.
- 5) Commercial vehicle terminals.
- 6) Storage of building materials or construction equipment.
- 7) Storage of fuel for sale.
- 8) Commercial, recreational, or amusement facility serving the general public.
- 9) Health, penal, educational, and religious institutions of any kind.
- 10) Cemeteries.
- 11) Engine testing facilities.
- 12) Keeping of any animals other than those used commonly for research, which must be kept caged in building.
- 13) Public parks or playgrounds.
- 14) Manufacture or processing of dust producing products from minerals.
- 15) Production of materials by nuclear fission.
- 16) Smelting and reduction of metallic ores other than on a laboratory basis.
- 17) Production or processing of explosives.
- 18) Manufacture of sulphurous, sulfuric, nitric, or hydrochloric acids.

Section 3.1 – Industrial – Office Park

A. Introduction

The purpose of these regulations is to permit the establishment, in an Industrial Zone I-L, or an Industrial Zone I-L3, or an Industrial Zone I-L2, of office building(s) in an integrated park setting, providing appropriate green space, landscaping, and other amenities, in appropriate portions of the Town, so as to afford businesses the

opportunity to locate their administrative and executive offices in attractive surroundings, to provide employment opportunities for the residents of the Town, to broaden the tax base so as to include more non-residential taxpayers, and to preserve the suburban-rural character of the community.

B. Procedure

Permission to use property as an Office Park in an I-L, I-L3, or I-L2 Zone shall be obtained by means of special permits granted by the Planning and Zoning Commission. An application for a special permit shall be made on a form provided by the Commission and shall include the following information.

- 1) A description of the proposed use in sufficient detail to indicate possible deviations from the standards prescribed in these regulations, together with measures proposed to secure compliance therewith.
- 2) Perspective drawings of each building showing its general configuration and appearance, together with drawings showing relative elevations of finished grades and ground floor, such elevations to indicate the height of all structures. Such drawings shall be accompanied by a description of the construction materials to be used.
- 3) Complete site plan of premises showing location of all buildings, roads, parking, recreation and storage areas, drainage facilities, necessary shrub or tree screening, and utility connections.
- 4) Engineering plans for all sewage and waste disposal systems, which plans shall be subject to the approval of the appropriate State and local regulatory agencies.
- 5) A plan showing the property to be included within the Office Park, showing the lots and roadways within such Office Park.
- 6) A plan of landscaping front yards and side yards on zone boundary or street.
- 7) Such other information as may be required by the Planning and Zoning Commission.

C. General Provisions

The provisions of Section 3, paragraph B shall apply to Section 3.1.

D. Permitted Uses

The following uses shall be permitted under special permits in addition to other uses which the Commission may determine to be of similar type:

- 1) Administrative and executive offices.
- 2) Food service facilities, such as cafeteria or lunchroom, provided that the use thereof shall be limited to the occupants of the office building in which such facility shall be located, or other office buildings located within the same office

park, and that the total area thereof shall not exceed 5% of the Floor Area (as defined herein) of the building in which such facility is located.

- 3) Garages and parking structures, provided that the use thereof shall be limited to the occupants and the business visitors of the office building located on same lot as such office building or an adjoining lot.
- 4) Light industrial and subordinate warehouse uses not in conflict with uses prohibited in 3.1.E.

E. Prohibited Uses

The following uses shall be prohibited in an Industrial-Office Park:

- 1) Residences.
- 2) Retail business and trade, including lunchrooms, garages and filling stations serving the general public.
- 3) New or used car sales.
- 4) Commercial vehicle terminals.
- 5) Storage of building materials or construction equipment.
- 6) Storage of fuel for sale.
- 7) Commercial, recreational, or amusement facility serving the general public.
- 8) Health, penal, educational, and religious institutions of any kind.
- 9) Cemeteries.
- 10) Engine testing facilities.
- 11) Keeping of any animals other than those used commonly for research, which must be kept caged in building.
- 12) Public parks or playgrounds.
- 13) Manufacture or processing of dust producing products from minerals.
- 14) Production of materials by nuclear fission.
- 15) Smelting and reduction of metallic ores other than on a laboratory basis.
- 16) Production or possession of explosives.
- 17) Manufacture of sulphurous, sulfuric, nitric, or hydrochloric acids, or other noxious and hazardous materials.

18) Medical professional persons licensed by the State Board of Health, which shall include doctors of medicine, dentistry, optometry, chiropraxy, podiatry, osteopathy, and doctors of veterinary medicine.

19) Psychologists specializing in counseling and testing.

F. Building Lines, Parcel Coverage, Etc.

- 1) No parcel of land shall be used for any permitted purpose in an Industrial Office Park unless it shall consist of at least two (2) acres if in an I-L2 Zone, of at least three (3) acres if in an I-L3 Zone, and of at least five (5) acres if in an I-L Zone.
- 2) For the purposes of applying this regulation to multiple lots, the applicant shall provide a subdivision plan describing the lots to be included in the proposed Industrial-Office Park. A record of the percentage of the cumulative and individual green space area for each lot within the Industrial-Office Park shall be provided with any and all applications for a special permit within said park.
- 3) Building coverage (including office buildings, garages, and other parking structures) shall not exceed $33\frac{1}{3}\%$ of lot area.
- 4) In an I-L Zone, no office building shall be located less than 100 feet from a street or limited access highway, less than 200 feet from a residential zone boundary, nor less than 50 feet from any other property line or limited access highway ramp. In an I-L2 Zone, no office building shall be located less than 100 feet from a street or limited access highway, less than 100 feet from a residential zone boundary, nor less than 50 feet from any other property line or limited access highway ramp. In an I-L3 Zone, no office building shall be located less than 100 feet from a street or limited access highway, less than 200 feet from a residential zone boundary, nor less than 50 feet from any other property line or limited access highway ramp.
- 5) No garage or other parking structure shall be located less than 50 feet from a street line or limited access highway line, or less than 100 feet from a residential zone boundary or any property line, except that a garage or other parking structure may be located not less than 10 feet from a property line of another lot situated in an Office Park in an I-L, I-L2, or I-L3 Zone. No surface parking shall be located less than 50 feet from a residential zone boundary, or 25 feet from the street line.
- 6) No office building shall exceed three (3) stories or 39 feet in height except that no office building in an Office Park which Office Park is located within 4,000 feet of the intersection of two limited access highways, and has an area of at least 30 acres, shall exceed four (4) stories or 52 feet in height. Excluded from the foregoing height limitations are vents, skylights, elevator enclosures, heating, ventilating and air conditioning elements and enclosures therefor. Such structures shall be fully screened within architecturally compatible screening, which shall be exhibited on a Site Plan to be submitted to and approved by the Planning and Zoning 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.

- 7) No garage or other parking structure shall exceed the height of the office building.
- 8) At least 40% of the area of the lots in an Office Park shall be maintained as green space, within which the natural growth may be supplemented, if necessary, by planting and other landscaping as may be determined by the Planning and Zoning Commission; provided, however, that an individual lot within an Office Park may have a minimum of 30% of the area of such lot maintained as green space, so long as the green space of the lots in such Office Park which are contiguous to such individual lot is not less than 40% in the aggregate.
- 9) The Floor Area (as defined herein) of an office building in an Office Park shall not exceed 50% of the area of the lot upon which such office building is situated.
- 10) Security or reception buildings may be located no less than 20 feet from the street line and shall not exceed 15 feet in height.
- 11) Each lot in an Office Park shall have at least 100 feet of frontage on a town road.

G. Provision for Vehicles

PARKING: Off-street parking shall be provided and shall consist of at least four (4) spaces for each 1,000 square feet of the Floor Area (as defined herein) of each office building, and of at least one space per 1 ½ employee working in manufacturing or warehouse space. Each space shall be at least 162 square feet (nine feet by eighteen feet) and double striped, exclusive of access roads and aisles. Aisles shall have a minimum width of 24 feet. Access to all parking areas shall be adequate to prevent any traffic congestion or parking.

LOADING AREA: Loading areas shall be of sufficient area to avoid encroaching access roads or causing traffic or congestion or hazard.

ACCESS ROADS: Access roads shall be provided from parking areas and buildings to public streets so that no traffic congestion or hazard is created. All parking areas and access roads and loading areas shall be permanently paved and shall be lighted for night use in such manner that no glare is caused to adjacent zones. All access roads shall be 25 feet from any lot line.

H. Signs

The provisions of Section 3, paragraph G shall apply to Section 3.1. No directory type signs shall be permitted.

I. Definition of Floor Area

The Floor Area of a building is the sum of the gross horizontal areas of the several floors of the buildings on the lot, measured from the exterior faces of exterior walls, or from the center line of walls separating two buildings. Floor Area shall include the area of basements

except the portions of a basement used for storage or housing of mechanical or central heating equipment. In addition, any area located on the roof or in a mechanical penthouse devoted to housing heating, air conditioning, plumbing, electrical, or elevators and storage facilities shall also be excluded from Floor Area. Floor Area shall also exclude any space either in the building or in an accessory building devoted to parking.

J. 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

Section 4 – Industrial Zone I-L 2 (Light Industry – 2 acres)

All of the provisions of Section 3 – Industrial Zone I-L (Light Industry) shall apply to Section 4 – Industrial Zone I-L 2 (Light Industry – 2 acres) except the provision as stated in Paragraph E (Building Lines, Parcel Coverage, etc.), sub-paragraph (1) pertaining to 5 acres, "2 acres" shall be substituted therefor; and except the provision of Paragraph E (Building Lines, Parcel Coverage, etc.) sub-paragraph (3) pertaining to building lines which reads, "No building shall be located less than 200 feet from a residential zone boundary", "less than 100 feet from a residential zone boundary" shall be substituted therefor.

Section 4.1 – Medical and Professional Uses Permitted in an IL-2 Zone Where There Is Excess Space Available in Administrative or Corporate Headquarter Office Buildings.

A. Introduction

The Plan of Development of 1974 of the Town of Trumbull as adopted by the Commission recognizes a need in the community for medical and professional offices to be located in other than existing commercial and residential zones. Much of the development in the IL-2 zones has been in the form of Administrative Office Buildings housing in the corporate headquarters for national and local manufacturing and service concerns. It is clearly recognized by the Commission that professional and medical offices would be more suitable complementary uses to occupy excess space available in these administrative office buildings than a light manufacturing use. For this reason, the Commission may approve the location therein in the excess space in an existing office building of medical and/or professional uses wherein the Commission shall find:

- 1) That the premises shall have adequate provision for off-street parking facilities; and

- 2) That the existing public streets are suitable and adequate to handle any additional traffic to be generated by the proposed professional and/or medical uses; and
- 3) That there will be no hazard to the public health or safety resulting from such proposed use or the traffic generated thereby; and
- 4) That the land on which such use is to be conducted is landscaped in such a manner and the buildings in which such use is to be conducted are so designed in external appearances and layout that reasonable harmony with surrounding industrial structures is maintained; and
- 5) That said land and buildings as so used will not detract from the industrial character of the neighborhood in which they are located and will not adversely affect property values in said neighborhood; and
- 6) That the proposed use will not contravene any of the purposes of zoning as set forth in Section 8-2 of the Connecticut General Statutes as amended from time to time.

B. Types of Uses

The following uses may be permitted under a special permit procedure in addition to such other uses as the Commission may determine to be of similar type:

- 1) The offices of a professional person (including a surgery, library, or a drafting room) as follows:
 - a) Attorney-at-Law
 - b) Accountants
 - c) Architects licensed by the State of Connecticut
 - d) Engineers licensed by the State of Connecticut
 - e) Medical professional person licensed by the State Board of Health which shall include doctors of medicine, dentistry, optometry, chiropody, podiatry, osteopathy, etc. but specifically excluding from such definition, doctors of veterinary medicine.
 - f) Psychologists specializing in counseling and testing.

C. Procedure For Approval of Location

The procedure for approval of a location for medical and/or professional uses shall require the filing of an application on a form specified by the Commission and payment of a filing fee. Such application shall include the information set forth in Article II, Section 3A, together with the following information:

- 1) The name and type of use of the principal tenant or tenants in such building who individually or together occupy at least 50% of such building's usable rental floor area for administrative offices or non-manufacturing uses.
- 2) The specific area in such building that will be occupied by such proposed medical and/or professional uses.
- 3) The specific entrances and exits which will be used by such proposed medical and/or professional uses.
- 4) The specific parking areas which will be devoted to such medical and/or professional uses, and further that there are sufficient parking spaces for such medical and/or professional uses as required in Article IV Section 4C(4), and 4D.
- 5) There shall be allowed at least one exterior sign for all medical and/or professional uses listing all tenants which 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 in this section.

D. 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

Section 4.2 – Medical Uses Otherwise Permitted in an IL-2 Zone.

A. Introduction

The Commission recognizes that there is an increasing need in the Town of Trumbull for medical offices, and that such uses may be appropriately located in an IL-2 zone, in addition to the professional and medical offices permitted under Section 4.1 For these reasons, the Commission may approve the location of a medical office building in an IL-2 zone where the Commission shall find:

- 1) That the premises shall have adequate provision for on-site parking facilities. (a minimum of five spaces for every 1,000 square feet of office space); and
- 2) That the existing public streets are suitable and adequate to handle any additional traffic to be generated by the proposed medical uses; and

- 3) That there will be no hazard to the public health or safety resulting from such proposed use or the traffic generated thereby; and
- 4) That the land on which such use is to be conducted is landscaped in such a manner and the buildings in which such use is to be conducted are so designed in external appearances and layout that reasonable harmony with surrounding industrial structures is maintained; and
- 5) That said land and buildings as so used will not detract from the industrial character of the neighborhood in which they are located, and will not adversely affect the property values in said neighborhood; and
- 6) That the proposed use will not contravene any of the purposes of zoning as set forth in Section 8-2 of the Connecticut General Statutes, as amended from time to time; and
- 7) That the premises are adjacent to Route No. 111, and are located within one mile of Route No. 25; and
- 8) That the premises are located in an IL-2 zone, and
- 9) That the premises shall contain not less than five (5) acres; and
- 10) That at least one-half of the usable rental floor area of the building at the premises shall be occupied by medical uses.

B. Types of Uses

The following uses may be permitted under a special permit procedure in addition to such other uses as the Commission may determine to be of similar type:

- 1) The offices of a professional person (including a surgery room) as follows:
 - a) Medical professional person licensed by the State Board of Health which shall include doctors of medicine, dentistry, optometry, chiropody, podiatry, osteopathy, etc., but specifically excluding from such definition, doctors of veterinary medicine.
 - b) Psychologists specializing in counseling and testing.

C. Procedure for Approval of Location

The procedure for approval of a location for medical uses shall require the filing of an application on a form specified by the Commission, and payment of a filing fee. Such application shall include the information set forth in Article II, Section 3A, together with the following information:

- 1) The name and type of use of the principal tenants in such building who together occupy at least 50% of useable rental floor area of such building for the uses set forth in Section 4.2B.

- 2) There shall be allowed one exterior sign 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 in this section.

D. 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

Section 5 – Industrial Zone I-L3 (Light Industry – 3 acres)

All of the provisions of Section 3 – Industrial Zone I-L (Light Industry) shall apply to Section 5 – Industrial Zone I-L3 (Light Industry – 3 acres) except the provisions as stated in Paragraph E (Building Lines, Parcel Coverage, etc.), sub-paragraph (1) pertaining to 5 acres; “3 acres” shall be substituted therefor.

Section 6 – Top Soil, Sand, Gravel, or Other Natural Resources

A. Permitted Uses

- 1) Removal of top soil, sand, gravel or other natural resources by any person, firm, or corporation who has obtained from the Planning and Zoning Commission of the Town of Trumbull a special permit relating to the commercial or industrial use of property in accordance with Article II, Section 2 or 3 of the Zoning Regulations as the same may be amended, or has executed an agreement with the Planning and Zoning Commission of the Town of Trumbull as to the completion of Subdivision Improvements in accordance with Chapter X of the Subdivision Regulations as the same may be amended.

B. Conditions and Restrictions

- 1) Such permitted uses are subject to the following restrictions and conditions:
 - a) Surplus material may be removed only after the town engineer has determined that all areas have been filled to grade in accordance with the plan as approved.

- b) Proper measure, as determined by the Planning and Zoning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock.
- c) The hours of operation shall be confined to weekdays between 7:00 a.m. and 6:00 p.m.
- d) Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
- e) Any town roads damaged by said operation shall be restored to their original condition.
- f) Permission for removal shall be limited as to time and be coterminous with the time prescribed for the completion of the project.

Section 7 – Uses Prohibited in All Zones

No building or premises shall be occupied or used in any zone, whether on public or private land for any of the follow specified uses:

- A. Abattoir, slaughter house or stockyard.
- B. Storage or processing of any type of scrap or junk.
- C. Incineration, reduction of or dumping of offal, garbage or refuse on a commercial basis, except where controlled by the town.
- D. Sewage disposal plant except where controlled by the town.
- E. 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.
- F. Used car lots.
- G. The parking of a trailer or maintenance of a trailer camp when used for human occupancy, excepting therefrom Article II, Section 1, paragraph A(8).
- H. Asylums for the care of epileptics, drug or liquor patients, or insane or feeble-minded patients.
- I. Penal or correctional institutions.
- J. Advertising billboards.
- K. Other signs except as permitted by these regulations.
- L. Sale, storage or reduction to junk metal or automotive vehicles of all kinds or the sale or storage of parts thereof.
- M. Any use which includes the removal from the premises of top soil, sand, gravel, or other natural resources; provided, however, that the Zoning Board of Appeals may, upon

application therefor accompanied by a map showing the area of removal and the contours thereof prior to and after said removal, grant a permit specifying the quantity of material to be removed and the area from which it may be removed, if the same is determined by said Zoning Board of Appeals to be part of a bona fide construction or grading operation on the premises which is to be completed within a period of 180 days and causes no damage to the landscape or substantial impairment of scenic beauty.

This section shall not apply to any person, firm or corporation who has:

- 1) Obtained from the Planning and Zoning Commission of the Town of Trumbull a special permit relating to the commercial or industrial use of property in accordance with Article II, Section 2 or 3 of the Zoning Regulations as same may be amended, or
 - 2) Has executed an agreement with the Planning and Zoning Commission of the Town of Trumbull as to the completion of subdivision improvements in accordance with Chapter X of the Subdivision Regulations as the same may be amended, or
 - 3) Been issued a building permit and shall remove from the premises such materials as may be necessary in connection with foundation and trench excavation only, or
 - 4) Has obtained from the Building Inspector of the Town of Trumbull, a soil permit, or
 - 5) Been issued a building permit and shall remove from the premises, according to an approved plan submitted to the Building Commission, such material as may be necessary in connection with establishing proper grades for sidewalk areas and slopes beyond said sidewalk areas to conform to grades required by the Road Construction Regulations of the Town of Trumbull.
- N. 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.
- O. The keeping of horses, livestock, fowl, pigeons and all other animals on premises other than household pets which shall be defined as meaning those ordinarily housed within a dwelling. This section shall not apply to livestock or fowl or a bona fide farm used for agricultural or dairy purposes.
- P. 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.

Section 8 – Compatible Alternate Uses (C.A.U.) Permitted in Industrial Zones

The Commission recognizes a need to provide for compatible alternative uses within the industrial-zoned areas of Town in order to allow and encourage various uses that would occupy areas within such zones which could share common improvements at different peak times. For

these reasons, the Commission hereby allows such alternate uses therein when such uses meet the standards herein set by the Commission as follows:

A. Types of Uses

The following uses are permitted in all of the industrial-zoned areas within the Town of Trumbull:

- 1) Indoor commercial recreational facilities, including tennis courts, racquetball courts, health and fitness clubs, swimming or ice facilities, being open to either the general public or to members.
- 2) Maintenance and/or storage buildings and garages as accessory to or required by any permitted use.
- 3) Catering halls and banquet halls, including the consumption of food and alcoholic beverages for on-premises use only.
- 4) Indoor theatre for stage or movie presentations.
- 5) Day care center and/or nursery schools.
- 6) Restaurants/cafeterias, provided same is located within a larger industrial building.
- 7) Automatic Teller Machines (ATM's)

B. Definitions

- 1) Deferred parking. The practice exercised at the discretion of the Commission where a portion of the designed parking is not constructed, but is placed in landscaped lawn subject to the provision that the owner of the premises may be required to construct said parking if it is determined by either the Commission or the owner that circumstances require such construction.
- 2) Fire lane. The aisle immediately adjacent to any building or structure reserved for access by emergency public safety vehicles in which no parking or standing is permitted.
- 3) Gross floor area (GFA). GFA is the total interior floor area of a building or structure measured at the inside face of the exterior walls.
- 4) Handicapped parking. 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.
- 5) Commercial uses. Specific uses permitted under Article II, Section 8 above.
- 6) Rated capacity. Pertaining to a health club, this is equivalent to the maximum safe occupancy for the premises as defined by applicable State codes and regulations.

- 7) On-site parking. Parking spaces on the same site as the use which it serves.
- 8) Peak. The period of maximum parking activity, which can be by the hour, portion of a day, day of week, or seasonal.
- 9) Queue space. A standing space for a vehicle equivalent in area to a parking space.
- 10) Seating (or seats). The total of fixed seats and temporary seats based upon design capacity.
- 11) Shared parking. The sharing of parking spaces by two or more users, with each use having different peak period demands.
- 12) Standing. The practice of brief vehicle stopping or waiting, generally for pick up/delivery or purchase of an outside service, in an area not designated or permitted for parking.

C. Off-Street Parking

For any permitted use specified in this section, the standards herein for parking shall apply.

- 1) Minimum parking spaces requirement for specific uses.

Off-street parking shall be provided in accordance with the standards for the uses as detailed below, and as may be modified by other provisions of this article.

- a) Banquet hall/catering hall. One (1) space for each 50 gross square feet.
- b) Day care center/nursery school. One (1) space for each employee plus one additional space for every five (5) persons of licensed capacity.
- c) Health or fitness clubs. One (1) space for every person of the rated capacity.
- d) Recreational facilities.
 - Gymnasiums - One (1) space for every four (4) spectator seats
 - Swimming Pool – One (1) space per four (4) persons based on design capacity of the pool
- e) Restaurant. One (1) space per 50 gross square feet.
- f) Theatre/auditorium. One (1) space for every three (3) seats.
- g) All other. Sufficient spaces shall be provided for any use not specifically addressed by these regulations in a number to be prescribed by the Commission based upon the characteristics of such proposed use.

D. Queue Space

Minimum queue space shall be provided for uses as specified below based upon the need to provide standing aisles for waiting vehicles. Queue space shall be provided in such

a manner that the head of the queue starts adjacent to the specified use and extends so as not to obstruct or encroach upon a parking space or aisle. Queue space shall be provided only on privately owned property and shall not extend into any street or public right-of way.

- 1) Automatic teller machines (ATM) drive-up type. Three (3) spaces per machine.

E. Shared Use of the Parking Facilities

The owners of two or more abutting properties zoned industrial may establish a shared parking facility which may be located on any of the properties involved to provide the number of required parking spaces for different uses based upon different peak periods. Upon establishing a shared use arrangement, such agreement shall be entered into by the property owners granting mutual use and access provisions to the parties and their successors in title, and such agreement may only be terminated upon the written authorization of the Planning and Zoning Commission at the written request of the property owners. Such agreements shall be recorded upon the land records of the Town of Trumbull and shall run with the land. The establishment of a shared use parking facility shall not in itself result in a deferment of parking on either site, but the Commission may defer parking because of the shared use, pursuant to paragraph F below.

F. Deferred Parking

The applicant may apply to the Planning and Zoning Commission for deferral of parking on either parcel by virtue of the shared parking arrangement, or upon evaluation of anticipated current demand, or if an applicant can demonstrate that the actual demand is less than the minimum required number of parking spaces for said use. The Commission may agree to the applicant reserving a portion of the required spaces for future parking needs. Such reserved spaces shall be of standard design, shown in hatched lines on the site plan and labeled "Deferred Parking", and shall be limited to natural areas – lawn areas without trees or buildings thereon. The Commission may require the future construction of said deferred parking, or portions thereof, into usable parking within ninety days of written notice to do so based upon a change in parking demand, a change of use, or a change of traffic safety circumstances as determined by the Commission, and provided such notice shall take into account the time of the year suitable for pavement installation. Failure to construct such spaces per such request shall constitute a violation of these regulations.

G. Maximum Allowable Area for Compatible Alternative Uses

Any application filed pursuant to Article II, Sec. 8 shall designate the area in square feet to be utilized for Compatible Alternate Use. Said area shall not exceed 20% of the total allowable building floor area of the parcel, and the plans shall indicate the percentage of such Compatible Alternate Use.

H. Special Permit Hearing for Approval of a Commercial Use

An applicant wishing approval of a commercial use under this section must make application to the Planning and Zoning Commission for such a use. The Planning and Zoning Commission will have a public hearing to review the applicability of the site for the requested use(s). The standards for review for the Commission for such Special Permit

review are as listed below. Approval of a particular commercial use under this section shall be specific to that use; that is, without additional approval of the Planning and Zoning Commission, a site approved for a restaurant may not use the space allocated for the approved restaurant for any other commercial use, nor may such site revert to industrial use without re-application to the Commission.

I. Standards of Review for Special Permit Approval

The Planning and Zoning Commission shall review the site for suitability of the use reviewing the following items:

- 1) Traffic. The impact of the use shall be such as to not significantly impact the projected traffic to and from the site, taking into account the hours of said traffic and the potential impact on any nearby residential neighbors.
- 2) Safety. The impact of the use shall be such as to not significantly negatively impact the projected safety of the overall site. Such uses as shall be "attractive nuisances" for children are to be discouraged. Safety considerations extend to nearby residential neighbors who could be adversely impacted by the proposed use. Safety considerations include, but are not limited to, the potential effect on access by firefighters and police, and the need for such services.
- 3) Aesthetics. The impact of the use shall be such so as to not significantly create an eyesore. Special Permit approval shall be specifically conditioned on appropriate landscaping and buffers so as to avoid commercial intrusion on neighbors.
- 4) Parking. The approval of a commercial usage shall be made with concomitant approval of parking spaces. The applicant has the burden of establishing for the Commission the proposed parking requirements for the site, assuming full industrial development and full commercial usage as requested. Parking shall be provided for no less than the number of parking spaces required for the industrial floor space (times the space per thousand square feet as defined under the industrial regulations) and the commercial usage (times the space per thousand square feet as defined in the commercial regulations). The Commission may defer parking pursuant to paragraph F above.

ARTICLE III

REGULATIONS FOR LOT AND HOUSE SIZES

BUILDING LINES AND HEIGHT AND

BULK OF BUILDINGS

Section 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 occupied, erected, altered, enlarged, 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; except that the provision covering the minimum sizes of lots shall not prevent the construction of single family dwellings on non-conforming lots in separate ownership recorded in the office of the Town Clerk and duly approved by the Planning Commission, where such approval is required, prior to November 9, 1957; and provided that the owner of any such lot did not own sufficient adjoining land to enable such owner, without undue hardship to him, to conform with these regulations or to conform therewith to a greater degree, and provided that all the requirements for yards and building area as specified in said schedule are observed.

Stone walls and retaining walls not exceeding three feet in height shall be excluded from the provisions of this section.

See schedule on next page.

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)	MINIMUM FLOOR AREA (square feet)	MAXIMUM BLDG. HGT. (feet)	MINIMUM YARDS (feet in depth)			MAXIMUM LOT COVERAGE
						1st floor	2nd floor	front	
Residence AAA	1 acre (43,560 sq. ft.)	150	1 story 1 1/2 story 2 story	1500 1250 1100	35	50	20	50	
Residence AA	1 acre (43,560 sq. ft.)	150	1 story 1 1/2 story 2 story	1400 1150 1000	35	50	20	50	
Residence A	1/2 acre (21,780 sq. ft.)	125	1 story 1 1/2 story 2 story	1200 900 900	35(a)	50(a)	20(a)	50(a)	25%
PRCZ	0.7 in one acre zones 0.35 in half acre zones	250(b)	1 1/2 story 2 story	1700 2600	35	40(c)	20(c)	40(c)	15%(d)
Commercial B-C	2 acres	250			35	(e)	(e)	(e)	20%
Industrial I-L	5 acres	250				(see Article II, Section 3, Industrial Use Regulations)			
Industrial I-L2	2 acres	200				(see Article II, Sections 3 and 4, Industrial Use Regulations)			
Industrial I-L3	3 acres	200				(see Article II, Sections 3 and 5, Industrial Use Regulations)			

- (a) Also applies to pre-existing non-conforming 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 feet of a boundary line of a PRCZ. The front setback in a PRCZ is the distance measured from the closest part of the building to the edge of pavement.
- (d) The maximum building coverage shall be fifteen percent of the land located in the PRCZ.
- (e) To be specified by Planning and Zoning Commission Under Article II, Section 2. (Effective: 3/4/60).

Section 2 – Minimum Yards

- A. In determining the depth of yards, measurements shall be made from the property line.
- B. 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.
- C. In Residence Zones, the minimum depth of the 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 line of the lot, 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 line of said corner lot.
- D. No lot shall be so reduced in area by sale, subsequent subdivision or otherwise, in such a manner that a conforming lot is made non-conforming 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.

Section 3 – Accessory Buildings

- A. Accessory buildings, other than garages, shall not exceed a height of 10 feet above the ground level and the area occupied by such buildings may be included as open space in computing the percentage of the lot which may be built upon in determining compliance with the rear yard requirements.
- B. No accessory buildings shall be erected nearer to the rear lot line than the side-line setback in the zone in which the building is located.

Section 4 – Height Exemption

The provisions of these regulations governing height of buildings in all zones shall not apply to silos, belfries, flag poles, governmental or residential radio or television poles or antennas, nor to hose towers or churches.

Section 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 and similar ornamental features may project twenty-four (24) inches over any yard.

Section 6 – Computation of Floor Area

- A. In computing minimum floor areas, measurements shall be taken from the outside surface of the building involved and in the case of the minimum floor area for single story houses, such measurements shall be for the ground floor only.

- B. In computing the minimum floor area, any floor area computed in such computation must be suitably finished for use as living quarters and at least one-half of any floor area included in such computation must have a ceiling height of not less than seven (7) feet six (6) inches, and any floor area above the first, in order to qualify for inclusion in such computation, must have a permanent built-in stairway furnishing access thereto.
- C. In computing the minimum floor area, rooms for heating equipment, garages, bay windows, outside vestibules, and open or closed porches and verandas, basement rooms and recreation rooms at ground level shall not be included. (Effective August 30, 1960).

Section 7 – Location of Swimming Pools and Tennis Courts

No swimming pool or tennis court 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.

Section 8 – Open Space Land

In order to promote the health and general welfare of the community and to preserve the proposed greenbelt areas in accordance with the Master Plan of Development adopted by the town in August, 1955 and as amended from time to time, and for the purpose of preserving and making available open land for conservation, preservation of natural water courses, recreation, game preserves, parks and the like; the Planning and Zoning Commission may, at its discretion, allow a subdivision with land within said proposed greenbelt areas to reduce the minimum size of proposed lots in Residence Zones AAA and AA provided that the following conditions are met:

- A. The maximum number of lots to be permitted on a given tract of land shall be determined by reducing the total acreage by fifteen (15) per cent (average deduction of land for roads) to arrive at developable land, and dividing the area of developable land by 43,560 square feet (one acre).
- B. For a subdivision to be developed in accordance with this section, the developer must deed to the Town of Trumbull a maximum of thirty (30) per cent of the developable land area, provided that in no instance shall any lot to be constructed upon in such subdivision be under 35,000 square feet (8/10 of one acre) in area.
- C. The area in such subdivision to be dedicated for public purposes to the Town shall be in a location, shape, topography, nature of growth and size approved by the Planning and Zoning Commission. This land shall be deeded to the Town in an acceptable condition before any building permit is issued in such subdivision; or in lieu of this, a bond for said conveyance shall be furnished by the developer to the Town, such bond to be in an amount and to be signed by such surety as will be satisfactory to the Town.
- D. The land so deeded to the Town must be retained for public use for a period of 35 years. Such public use shall be restricted for the purposes of conservation, preservation of natural watercourses, recreation, game preserves or parks.
- E. The Sanitary Officer and the Town Engineer shall approve all lot areas in such subdivision and the location of the Open Land; and either may direct that a particular lot

or lots in such subdivision be increased in size to facilitate proper sewage and storm drainage disposal system.

- F. Road Frontage Requirements. Lots approved in such a subdivision shall have a minimum road frontage of 135 feet.
- G. All lots approved under this section shall observe the requirements of Residence Zones AAA and AA, as the case may be, except as modified above.

Section 9 – Interior Lots

- A. Interior lots shall have at least thirty (30) feet of road frontage.
- B. 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 per cent.
- C. 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 Planning and Zoning Commission.
- D. The length of the driveway to the closest point of the required minimum rectangle shall not exceed four hundred (400) feet.
- E. 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.
- F. 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.
- G. Minimum front, side, and rear setbacks shall be 75 feet in AAA and AA zones, and 50 feet in A zones.
- H. 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 zones.

ARTICLE IV

GARAGES, PARKING SPACES AND LOADING AREAS

Section 1 – Garages in Residence Zones

In all Residence Zones, garages or indoor storage shall be limited as specified in Section 1A (2) of Article II of these regulations.

Section 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, Section 1, paragraph A(8) of these regulations.

Section 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 Planning and Zoning 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.

Section 4 – Parking in Commercial Zones

- A. 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 Planning and Zoning Commission shall determine to be adequate to relieve congestion in the streets and avoid hazardous traffic conditions.
- B. 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.
- C. In determining adequacy of parking space, the Planning and Zoning Commission shall be guided generally by the degree of motor vehicle concentration customarily associated with the use involved, and specifically by the following standards:
 - (1) For every hotel, 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" (restaurants, cocktail lounges, bars, coffee shops, meeting rooms, conference rooms, and ballrooms within a hotel), or at least one and one-half spaces (1.5) for each guest room, whichever shall be the greater.

- (2) For every theatre, auditorium, stadium, or place of assembly, one parking space for every three seats. (For hotel parking requirements see 4C(1) above, and Article II, Section 2.)
 - (3) For every restaurant, club or similar establishment, one parking space for every 50 feet of gross floor area.
 - (4) For uses defined as "high traffic generators" (e.g. medical, fast food restaurant, and other similar uses) one parking space for every 200 square feet of building area.
 - (5) For every other use covered by this section, one parking space for every 250 square feet of building area.
 - (a) For enclosed mall shopping centers in excess of 200,000 square feet, building area shall mean gross leaseable area.
 - (b) For enclosed mall shopping centers with less than 200,000 square feet, building area shall mean gross building area exclusive of interior loading, receiving, docking and delivery access areas.
 - (c) For enclosed mall shopping centers in excess of 200,000 square feet, there must be dedicated sixty two (62) square feet of green space per one thousand square feet of gross leaseable area, such green space to be within the area circumscribed by the limits of the parking surfaces, not including border areas outside of the parking surfaces, or such other contiguous spaces as may be suitable to the site at the discretion of the Commission.
 - (6) In a Commercial B-C Zone, any parking garages or parking decks shall not be included in calculating maximum lot coverage under Article III of these zoning regulations. However, any such parking garages and decks shall not in the aggregate exceed ten percent (10%) of the total lot area.
- D. 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 aisleway.
- E. Space in any yard in any Commercial Zone as required by these regulations may be used for loading, unloading and parking.

ARTICLE V

ADMINISTRATION AND ENFORCEMENT

Section 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.

Section 2 - Building Permits

- A. No person, firm or corporation shall commence to construct, reconstruct, move, alter, or enlarge any building or structure until such person, firm or corporation shall have been granted a permit by the Building Official to do such work.
- B. The Building Official may require of the applicant for permit to build such information as it may deem reasonably necessary.

Section 3 - Certificate of Occupancy

- A. It shall be unlawful to use or permit the use of any building, structure, or land or part thereof, hereafter created, constructed, reconstructed, moved, altered, or enlarged, or of any buildings, structures or land or part thereof hereafter changed or converted into a different use, until a certificate of occupancy shall have been issued to the owner by the Building Official. Such certificate shall show that such building, structure or land or part thereof, and the proposed use thereof are in conformity with the provisions of these regulations.
- B. No change or extension of said use throughout any building or part thereof shall be made without a certificate of occupancy having first been issued to the owner by the Building Official that such change or extension is in conformity with the provisions of these regulations.
- C. A temporary certificate of occupancy pending qualifications for the issuance of a regular certificate of occupancy may be issued to be effective for a period not exceeding six (6) months, where an alteration does not require the vacating of the premises or where parts of the premises may be ready for occupancy before the completion of the entire building or structure or before the completion of any such alterations.
- D. A certificate of occupancy shall be applied for at the same time that the building permit is applied for, and if said permit is approved by the Building Official, said certificate shall be issued within ten (10) days after the erection or alteration of the building or structure shall have been completed in accordance with the terms of said building permit and shall otherwise be ready for occupancy.

- E. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building, structure or land affected. The Building Official may charge such fees for issuing said certificates and copies as it deems necessary to defray the costs involved.

Section 4 - 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 Planning and Zoning 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).

ARTICLE VI

ZONING BOARD OF APPEALS

Section 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:

- A. 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.
- B. 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.
- C. To hear and decide applications for special exceptions in specific cases as provided in these regulations.
- D. 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.

ARTICLE VII

SALE OF BEER, ALE, WINE, AND ALCOHOLIC LIQUOR

Section 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.

Section 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:

- A. Premises to be operated under permits authorizing the consumption of alcoholic liquor, beer, ale or wine on the premises may be located in a Commercial Zone B-C or in any Industrial Zone as provided for under Article II, Section 8.
- B. 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 a Commercial Zone B-C.

Section 3 - Prohibitions

The sale of alcoholic liquor, beer, ale or wine in any residential or industrial zone (except as provided for in Article II, Section 8) 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-commercial civic or religious organization.

Section 4 - Proximity of Outlets

No premises shall be approved for any class of permit which authorizes the consumption of alcoholic liquor, beer, ale or wine on the premises, if its entrance lies within 1,000 feet in any direction from the entrance of any other premises approved as a location for a permit authorizing the consumption of alcoholic liquor, beer, ale or wine on the premises. No premises shall be approved for any class of permit authorizing the sale of alcoholic liquor, beer, ale or wine, other than for consumption on the premises, if its entrance lies within 1,000 feet in any direction from the entrance of any other premises approved as a location for a permit authorizing the sale of alcoholic liquor, beer, ale or wine other than for consumption on the premises. This section shall not apply to grocery store beer permits or to shopping centers as defined in Section 4.1 hereof, or to hotels as defined in Article II, Section 2, Paragraph B(9) of these regulations, or to 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-commercial civic or religious organization.

Section 4.1 - Shopping Centers

- A. Definition. A "Shopping Center" shall be defined for the purpose of the sale of alcoholic liquor, beer, ale or wine to mean 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 Article II, Section 2B of these regulations; and shall contain not less than six retail business and/or retail service uses.
- B. Restrictions on number of outlets, premises, and classes of permits.
- (1) Total number of outlets and classes of permits per shopping center shall be determined by total rental retail and/or commercial business floor area, in accordance with the following qualifications; and shall not exceed the total number for each shopping center as prescribed below.

Total floor area: 35,000 sq. ft. to 249,999 sq. ft.

- 1 Restaurant (Full liquor)
- 1 Restaurant Beer permit, or one Restaurant Wine and Beer permit
- 1 Package Store permit

Total floor area: 250,000 sq. ft. to 499,999 sq. ft.

- 2 Restaurant permits (Full liquor)
- 2 Restaurant Beer permits, or 2 Restaurant Wine and Beer permits;
or one each class

1 Package Store permit

Total floor area: 500,000 sq. ft. and over

4 Restaurant permits (Full liquor)

2 Restaurant Beer permits, or 2 Restaurant Wine and Beer permits;
or one of each class

1 Package Store permit

(2) A premises to be used for a Restaurant permit (Full liquor) must contain a minimum floor area of 2,400 sq. ft.

Section 5 - 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 Planning and Zoning Commission, and a copy of such certification shall be filed in the records of the Commission.

Section 6 - Non-Conforming Uses

No building or premises devoted to a non-conforming 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.

Section 7 - 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.

Section 8 - 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.

Section 9 - 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.

Section 10 - 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.

Section 11 - Waivers

Application for waivers of the provisions of this article shall not be entertained 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.

Section 12 - Discontinuance

No building or premises in which the sale of beer, ale, wine or alcoholic liquor is discontinued or 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.

Section 13 - 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

ASSISTED LIVING FACILITY ZONE

Section 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. Such zone 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. 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 services;
 - (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 unable 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, local permits and/or certificates as required.

Section 2 - Site of Zone

Each ALF shall require a minimum of 6 contiguous acres.

Section 3 - Location of Zone

An ALF 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 Department of Transportation right-of-way or Highway.

Section 4 - Setbacks

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'
Setback from roads	100' *
Maximum lot coverage	15%
Maximum height	35'

* 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.

Section 5 - 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 applicable Town ordinances and 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 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.

Section 6 - Standards for Site Plan Review

The Planning and Zoning Commission shall approve a site plan if it complies with the requirements of this Article VIII, and conforms to the following additional standards.

The following additional data and information shall be submitted to the Planning and Zoning Commission at the time of application for said Special Permit:

- (1) Class A-2 property line survey.
- (2) Accurate topographical map showing a contour interval and all other topographical feature of the property including streams, watercourses, ponds, roads, paths, structures, parking lots, rock outcroppings, wooded areas, individual trees over twelve inches (12") in diameter, stone walls, and all underground utilities, including gas, water, sanitary lines, and storm water lines.
- (3) Floor plans and elevations of all buildings. Such drawings shall be accompanied by a brief description of the construction materials to be used.
- (4) An overall site plan showing the planned development of the site, including all buildings, road parking areas, recreation and storage areas, necessary shrub or tree screening, landscaping and utility services.
- (5) Perspective views of the buildings.
- (6) Any exterior lighting shall be in such a manner as not to cause illumination or glare outside the parcel.
- (7) Buffer areas shall be provided to assure maximum privacy to the residents, and to the occupants of adjoining properties. Landscaping shall be provided for the entire parcel.
- (8) All uses shall be serviced by municipal sanitary sewers only, and in accordance with the regulations of the Town Sewer Commission.
- (9) All utilities shall be underground.

Section 7 - Continuing 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 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 one-year may be granted by the Commission after a hearing, for good cause shown.

ARTICLE IX
PLANNED RESIDENTIAL DEVELOPMENT
UNIT OWNERSHIP

Section 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.

Section 2 - Regulations for Planned Residential Development

Planned Residential Development shall be permitted by special permit granted by the Planning and Zoning 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.

Section 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.

Section 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. The Planning and Zoning Commission shall not allow more than one Planned Residential Development to be located closer than one mile from any other Planned Residential Development. These regulations shall prohibit any use allowed by the underlying zoning.

Section 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.

Section 6 - Yard Requirements

The Trumbull Planning and Zoning 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.

Section 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 800 square feet of living area, 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.

Section 8 - 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.

Section 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.

Section 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.

Section 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.

Section 12 - Accessory Buildings

The Planning and Zoning 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.

Section 13 - Walkways

Pedestrian walkways of a minimum of three feet in width shall be provided between buildings and between buildings and public highway.

Section 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.

Section 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. Glare from light sources shall be shielded from roads and abutting properties.

Section 16 - Refuse Collection

Receptacles for individual refuse collection shall be provided in the garages. No central collection areas shall be permitted.

Section 17 - Mail Boxes

A permanently enclosed area shall be provided for mail boxes, and conveniently located for all units.

Section 18 - Site Plan Review

Applications shall be considered in the order in which they are filed. Incomplete applications shall not be accepted for filing. Incomplete applications shall not be accepted for filing. Each applications shall be accompanied by a site plan prepared by a surveyor, licensed as such by the State Board of Registration for Professional Engineers and Surveyors of the State of Connecticut. Such plans shall show the size, floor plan and location of each proposed building or accessory uses, all proposed driveways, parking spaces and easements, all public highways and streets, all recreation facilities, landscaping and boundary lines, and the name of adjacent land owners and any existing buildings on the site. The following information and/or documentation shall be included in the application.

- A. Title;
- B. Location map at 1"=500';
- C. Drawing scale not to exceed 60 feet per inch, and a 1"=40' minimum. Plans requiring more than one sheet shall have an index and key map;
- D. Map sheet size not to exceed 30" x 42";
- E. Bar scale;
- F. Vertical datum;
- G. Compass rose;
- H. Original date and revision dates;
- I. Name and address of record owner and applicant;
- J. Existing and proposed contour intervals of not more than two (2) feet;
- K. Property lines by bearings and distances;
- L. Proposed lot dimensions and area, and proposed arrangement of structure;
- M. Locations of existing and proposed utilities (sanitary sewers, water, gas, telephone, electric);
- N. Existing and proposed structures;
- O. Architect's/Engineer's/Surveyor's signature and seal, survey note and class;
- P. Applicant's signature or that of his agent.

Section 19 - Architectural Design

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.

Section 20 - Landscaping and Screening

Landscaping shall be provided under the direction of the Planning and Zoning 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 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.

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.

Section 21 - Storm Drainage Facilities

All storm drainage facilities and public sanitary sewers shall be designed and constructed in accordance with Town standards, subject to the approval of the Town Engineer. All storm water drainage facilities shall be designed and sealed by a licensed engineer in the State of Connecticut.

Section 22 - Documentation

The applicant shall either obtain and submit with his application all necessary legal documents or rights such as easements, rights-of-way, 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.

Section 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

Section 24 - Acceptable Building Materials (effective 1-25-01)

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.

ARTICLE X

SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

FOR LAND DEVELOPMENT

Section 1 - Definitions

- A. "Certification" means a signed, written approval by the Planning and Zoning Commission, Town of Trumbull, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- B. "Commission" means the Planning and Zoning Commission of the Town of Trumbull.
- C. "County Soil and Water Conservation District" means the Fairfield County Soil and Water Conservation District established under subsection (a) of section 22a-315 of the General Statutes.
- D. "Development" means any construction or grading activities to improved or unimproved real estate.
- E. "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- F. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- G. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- H. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.
- I. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- J. "Soil" means any unconsolidated mineral or organic material of any origin.
- K. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Section 2 - Activities Requiring a Certified Erosion and Sediment Control Plan

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

Section 3 - Exemptions

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

Section 4 - Erosion and Sediment Control Plan

- A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods, and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods, and practices may be used with prior approval of the Commission.
- B. Said plan shall contain, but not be limited to:
- 1) A narrative describing:
 - a) the development;
 - b) the schedule for grading and construction activities including:
 - (1.1) start and completion dates;
 - (1.2) sequence of grading and construction activities;
 - (1.3) sequence for installation and/or application of soil erosion and sediment control measures;
 - (1.4) sequence for final stabilization of the project site;
 - c) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d) the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities;
 - f) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities;
 - 2) A site plan map at a sufficient scale to show:
 - a) the location of the proposed development and adjacent properties;

- b) the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
 - c) the existing structures on the project site, if any;
 - d) the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads, and, if applicable, new property lines;
 - e) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - f) the sequence of grading and construction activities;
 - g) the sequence for installation and/or application of soil erosion and sediment control measures;
 - h) the sequence for final stabilization of the development site.
- 3) Any other information deemed necessary and appropriate by the applicant, or requested by the Commission of its designated agents.

Section 5 - Minimum Acceptable Standards

- A. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- B. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission or the Town Engineer may grant exceptions when requested by the applicant if technically sound reasons are presented.
- C. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved or required by the Town Engineer.

Section 6 - Issuance or Denial of Certification

- A. The Planning and Zoning Commission, Town of Trumbull, shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.
- B. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124a, or 126 of the General Statutes.

- C. All required soil erosion and sediment control plans shall be submitted to the Town Engineer for review and recommendations prior to the formal review by the Planning and Zoning Commission. The Town Engineer shall review the plan to determine compliance with the standards and requirements as specified in this regulation and submit recommendations within thirty (30) days of the date of receipt of said plan. Upon receipt of the Town Engineer's recommendations, the Planning and Zoning Commission shall certify or deny the plan.
- D. The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comments.

Section 7 - Conditions Relating to Soil Erosion and Sediment Control

- A. The Planning and Zoning Commission will require, as a condition of approval, that the applicant post a cash bond satisfactory to the Commission in order to assure conformance with all required improvements as specified in the approved soil erosion and sedimentation control plan which must be prepared by the applicant and approved by the Commission. The applicant will provide the Town Engineer with an itemized breakdown of the quantities of materials and services necessary for erosion and sedimentation control, and shall include an estimated cost for any special structures, services, materials, etc. necessary to effectuate the plan. Prior to certification, the Town Engineer will calculate the bond amount which shall include therein a separate inflation factor for the estimated construction period.
- B. A bond will be required to be posted with the Town of Trumbull at the time a building permit is requested for each lot. An additional bond may not be required if all soil and sedimentation control measures for all construction have been approved and bonded as part of the subdivision.
- C. The applicant shall file with the Commission a cash bond (bank book assigned to the Town of Trumbull) together with two or more signed withdrawal slips which will be deposited with the Clerk of the Commission. If the bond for soil erosion and sedimentation control measures is included with funds for other bond requirements, a set of separate withdrawal slips for the amount of the erosion control measures are required. The portion of the bond appropriated for erosion control may be called without prior notice if the chairperson of the Planning and Zoning Commission shall determine that immediate action is necessary as a result of a violation of the plan and/or to prevent a failure of said plan and/or to provide for the health, safety and general welfare of the Town of Trumbull; provided, however, that in such event the Commission shall cause written notice of the calling of said bond to be sent to the applicant by Certified Mail, Return Receipt Requested, simultaneously with the calling of said bond.
- D. Site development shall not begin unless the soil erosion and sedimentation control plan is certified, and those control measures and facilities scheduled for installation are installed and functional prior to site development.
- E. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. Any person engaged in development activities who fails to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations.

- F. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan. No soil erosion control measures shall be removed without permission from the Town Engineer.
- G. Any person or corporation deemed to be in violation of these regulations, as determined by the Planning and Zoning Commission or its agents, shall be issued a cease and desist order by the Zoning Enforcement Officer.
- H. Upon written request of the applicant for the reduction or release of the bond, the Commission shall cause the site to be inspected by the Town Engineer to determine if all of the conditions of approval have been met, and if all required soil erosion and sediment control improvements have been satisfactorily completed in accordance with the certified site plan.
- I. The certification shall be effective for a period of two (2) years, unless an extension of time for one (1) year is applied for by the applicant and granted by the Commission. All improvements as specified in the certified plan shall be completed within two (2) years from the date of Planning and Zoning certification.

Section 8 - Inspection

Inspections shall be made by the Planning and Zoning Commission through the Town Engineer and Zoning Enforcement Officer during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan, and are being operated and maintained.

ARTICLE XI

FLOOD DAMAGE PREVENTION ORDINANCE

Section 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.

Section 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 its 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 Building Official’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. This area is designated as Zones A, AO, and Zones A1 through A30 on the Flood Insurance Rate Map.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (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.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard,

"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 Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation 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, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, 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.

"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.

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

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance (not the revision date).

"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.

"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 its 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.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

Section 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 Insurance Administration in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Trumbull," dated December 19, 1997, with an accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps, together with any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Trumbull Town Clerk's Office, Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut 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 Building Official 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 Building Official 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.

Section 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 Building Official 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 Building Official

The Building Official 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 Building Official

Duties of the Building Official 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.
- (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 Building Official 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, Water Resources Division prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (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 Building Official 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 Building Official 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 (l-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.

Section 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.

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; or,

- 1) 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 Building Official as set forth in 4.3-3(2).

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 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.

5.3 Base Flood Elevation and Floodway Data

The Building Official 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 by a registered professional engineer or architect is provided "demonstrated", through hydraulic and hydrologic analysis performed in accordance with standard engineering practices that encroachments shall not result in any 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.

ARTICLE XII

PLANNED RESIDENTIAL CONSERVATION ZONE

Section 1 - Purpose

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.

Section 2 - Size of Zone

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

Section 3 - Location of Zone

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

Section 4 - Density

The number of dwelling units in a PRCZ shall not exceed 1.1 in one-acre zones, and 2.2 in one-half acre zones multiplied times the gross acreage less the following:

- A. Fifty percent of the land with grades steeper than thirty percent.
- B. Seventy-five percent of all wetland areas to be determined by a certified soil scientist, or wetland areas previously designated as such by the Inland Wetlands and Watercourses Commission.
- C. Fifteen percent for roads.

Section 5 - Permitted Uses

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

Section 6 - Minimum Lot and House Sizes, Building Lines and Height and Bulk of Buildings

Minimum lot size for dwelling units in one-acre zones shall not be less than .7 of an acre, and in one-half acre zones shall not be less than .35 of an acre, exclusive of easements, rights-of-way, 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, Section I shall apply.

Section 7 - Coverage

The maximum building coverage shall be fifteen percent of the land located in the PRCZ.

Section 8 - Utility and Road Requirements

- A. 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 one-half acre zones shall be served by public sanitary sewers.
- B. 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.
- C. All utility facilities shall be placed underground.
- D. 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 Planning and Zoning Commission.
- E. The dimensions and construction of parking areas shall conform to all applicable Town ordinances and regulations.
- F. There shall be a public water supply.
- G. All common areas and elements are to be maintained by an association of homeowners.

Section 9 - Conservation Areas

A minimum of twenty percent 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 Planning and Zoning Commission. Except as otherwise provided by the Commission, common areas shall be contiguous.

Section 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 Planning and Zoning Commission.

Section 11 - Design Review

The applicant shall submit design standards in conformance with Section 15 of this Article.

Section 12 - Parking

Parking shall be as provided for in Article IV, Sections 1 and 2 of these Regulations.

Section 13 - Application for Zone Change Approval

An application for a zone change to PRCZ shall include:

- A. A completed zone change application, as provided for by the Planning and Zoning 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 4 of this Article).
- B. A written statement describing how the proposal complies with the purposes set forth in Article XII, Section 1 of these Regulations.
- C. A site plan prepared by a registered landscape architect, a licensed architect, or 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, utilities;
 - 4) Show present and proposed topography;
 - 5) Show conceptual landscaping plan for the site.
- D. Preliminary building plans illustrating:
 - 1) A typical floor plan;
 - 2) Typical elevations;
 - 3) Design Standards (as required in Section 15 of this Article).

Section 14 - Standards for Zone Change Approval

The Planning and Zoning 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 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.

Section 15 - Standards for Site Plan Approval and Design Review

The Planning and Zoning Commission may approve a site plan if it complies with the requirements of Article XII, Sections 1 through 12, 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, Section 1, and Article II, Section 1 (c).

- 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 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 accessway in the development.
- 2) No animals or poultry, except unusual household pets (quartered within the dwelling house at night), shall be kept on any lot, except with the prior written approval of the Commission.
- 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 Article XII.

ARTICLE XIII

PLANNED AFFORDABLE HOUSING ZONE

Section 1 - Purpose and Intent

- A. It is the purpose and intent of this regulation to authorize construction of affordable housing which will offer alternative housing for, among others, the less affluent members of the community. All such affordable 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 affordable housing development (AHD) 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 affordable housing development (AHD) shall be deemed to mean a housing development in which not less than 20% of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold and rented at, or below, prices which will preserve the units as affordable housing as defined in Section 8-39a, as amended from time to time, of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income for at least twenty years after the initial occupation of the proposed development.
- D. Affordable units shall be of construction quality that is comparable to market rate units within the development and shall be dispersed throughout the development.

Section 2 - Site of Zone

A Planned Affordable Housing Zone (PAHZ) shall consist of at least three contiguous acres, and shall not exceed thirteen contiguous acres.

Section 3 - Location of Zone

A PAHZ shall be located only in areas zoned for residential use, and shall have not less than one-hundred fifty (150) feet of frontage on a public street designated in the Plan of Development of the Town of Trumbull (as the same may be amended from time to time) as either a "principal" or "Minor" arterial road, but excluding all roads designated as a "Scenic/Historic" highway(s). No PAHZ shall be located closer than one mile from any other PAHZ.

Section 4 - Density

The maximum number of dwelling units per "buildable" acre shall be no greater than 4 for the property designated as Residence Zone A, and shall be no greater than 2 for property 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.

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

- A. Fifty percent of the land with grades steeper than thirty percent.
- B. Seventy-five percent of all wetland areas as determined by a certified soil scientist and approved by the Inland Wetlands and Watercourses Commission.

Section 5 - Permitted Uses

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

Section 6 - Minimum Building Lines and Limits on Height and Bulk of Buildings

Minimum Road Frontage	150 ft.
Maximum Building Height	35 ft.
Setbacks - Front	50 ft.
Side	50 ft.
Rear *	50 ft.

* Rear setback may be reduced by 30 ft. when adjacent to a limited access highway.

Section 7 - 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 applicable Town ordinances and regulations.
- B. All utility facilities shall be placed underground.
- C. The dimensions and construction of the paved portions of roads shall conform to all applicable town ordinances and regulations.
- D. The dimensions and construction of parking areas shall conform to all applicable town ordinances and regulations.
- E. There shall be a public water supply and municipal sewer system.
- F. All common areas and elements are to be maintained by an association of homeowners and/or Common Interest Association.
- G. All internal roads shall be private roads and not dedicated.

Section 8 - 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. 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. A bond to insure completion

of landscaping requirements shall be submitted in a form satisfactory to the Planning and Zoning Commission. The landscape plan shall be submitted to the Commission for final approval prior to issuance of building permits.

Section 9 - Design Review

The applicant shall submit design standards in conformance with Section 13 of this Article.

Section 10 - Parking

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

Section 11 - Application for Zone Change Approval

An application for a zone change to PAHZ shall include:

- A. A completed zone change application as provided for by the Planning and Zoning 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 4 of this Article).
- B. A written statement describing how the proposal complies with the purposes set forth in Article XIII, Section 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.
- D. Preliminary building plans illustrating:
 - 1) A typical floor plan.
 - 2) Typical elevations.
 - 3) Design Standards (as required in Section 13 of this Article).

Section 12 - Standards for Zone Change Approval

The Planning and Zoning Commission may approve a petition for a change of the existing zone to Planned Affordable Housing Zone if it complies with the following:

- A. The development project conforms to the purposes set forth in Section 1 of this Article.
- 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 site plan approval or the zone change and site plan approval shall expire.

Section 13 - Standards for Site Plan Approval and Design Review

The Planning and Zoning Commission shall approve a site plan if it complies with the requirements of Article XIII, Sections 2 through 11, of these Regulations, and conforms to the following design standards.

A. Site Development Standards:

- 1) Driveways: All drives shall be asphalt or pea 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; 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 thirty-five 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, or other similar materials. Unacceptable materials include, but are not limited to, "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 such vehicles be parked on the roads, passageways, or on any other right-of-way or accessway in the development.
- 2) No animals or poultry, except usual household pets (quartered within the dwelling house at night), shall be permitted.
- 3) There shall be no burning of garbage, refuse, or debris.
- 4) All construction and/or site improvements in a PAHZ shall conform to the underlying Residence Zone regulations herein, except where specifically modified by Article XIII.

Section 14 – 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

ARTICLE XIV

AFFORDABLE HOUSING DEVELOPMENT

Section 1 - Purpose and Intent

It is the purpose and intent of this regulation to authorize construction of affordable housing which will offer alternative housing for, among others, the less affluent elderly and younger members of the community and town employees. All such affordable housing will be provided in an environment that contains appropriate open space, is suitably landscaped and provides for recreation resources and amenities 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.

Section 2 - Regulations for Affordable Housing Development

Any affordable housing development (AHD) 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.

A building permit for the construction of all or any part of an affordable housing development shall not be issued unless and until the Planning and Zoning Commission shall have approved a site plan for the affordable housing development in accordance with the provisions of Article XV of these regulations.

Section 3 - Definition

An affordable housing development (AHD) shall be deemed to mean a housing development in which not less than 20% of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold and rented at, or below, prices which will preserve the units as affordable housing as defined in Section 8-39a of the Connecticut General Statutes for persons and families whose income is less than or equal to eighty percent of the area median income for at least twenty years after the initial occupation of the proposed development.

Section 4 - Affordable Units

- A. Definitions. The term "monthly payment", as used in connection with affordable units for sale, shall mean the amount paid monthly for mortgage principal and interest, property taxes and insurance, but does not include amounts paid as a down payment or for utilities, optional unit features provided by the developer, or fees to a unit owners association. The term "rent" shall mean the amount paid by a tenant for a dwelling unit, inclusive of utilities but exclusive of optional services offered by the landlord.
- B. Maximum monthly payment/rent for affordable units. The maximum allowable monthly payment/rent for an affordable unit shall be determined using income that is less than or equal to 80% of the applicable area median income data for the Town of

Trumbull as published by the U.S. Department of Housing and Urban Development and the Connecticut Department of Housing.

- C. Maximum resale price. Any affordable unit which is sold shall be conveyed only by a deed which restricts the maximum price upon resale to an amount that will maintain the unit as affordable in accordance with Section 3 of this article.
- D. Requirements as to Affordable Units. The site plan for an AHD, and documents submitted in support of such development, shall comply with the requirements set forth below. These requirements shall apply to any sale, rental, resale, purchase and subsequent lease, and conversion to common interest ownership and subsequent resale of an affordable unit:
- 1) Affordable units shall be of a construction quality that is comparable to market-rate units within the development, and shall be dispersed throughout the development;
 - 2) If the development is to be built in phases, the affordable units will be built on a pro rata basis as construction proceeds;
 - 3) An affordable unit shall be occupied only as the purchaser's or tenant's primary residence. To the extent that subletting is permitted by lease, subletting at a rental greater than the maximum rental established in paragraph B above shall be strictly and specifically prohibited in the lease for each affordable unit;
 - 4) The 20-year period during which 20 percent of the units shall remain affordable shall begin, as to a rental unit, as of the date of commencement of the initial tenancy or, as to a sale of a unit, as of the date of conveyance of title;
 - 5) The developer or its successor may, during the 20 year affordable period, change the designation of which units within the development shall be maintained as affordable, provided that the minimum 20 percent set aside shall be maintained, and the development as a whole shall continue to comply with all paragraphs of this section;
 - 6) Employees of the Town of Trumbull shall be given preference in both the rental and sale of affordable units. "Employee of the Town of Trumbull" shall mean a full-time employee of the town or of the Trumbull Board of Education.
- E. Site Plan Submission Requirements. In conjunction with the submission of an application for approval of a site plan for an Affordable Housing Development as provided in Article XV of these regulations, the applicant shall submit an "Affordability Plan," which shall describe in detail how the development will comply with this article and how the affordability covenants and restrictions will be administered. Such plan shall include provisions for: procedures for notice to town employees and the general public of the availability of affordable units; identification of which units throughout the project shall be designated as affordable; procedures for verification and periodic re-verification of unit occupant income and compliance with affordability requirements; administration of town employee preferences; and periodic reports to

the Trumbull Zoning Enforcement Officer concerning compliance with this section. Such plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions, and any explanations which will be provided to the unit occupants concerning such restrictions.

Section 5 - General Requirements

- A. An AHD shall be located only on land which is either within or not more than two hundred (200) feet from an Industrial Zone as defined under the provisions of Article II, Section 3, 4, or 5 of these regulations. Only land which meets this requirement shall be considered for the purpose of determining compliance with all other requirements of this regulation.
- B. An AHD shall be situated on property which is in single ownership or control, which shall not be, in size, greater than forty (40) acres or less than thirty (30) acres and which shall have frontage on a public highway of not less than three hundred (300) feet and frontage on a limited access highway.

Section 6 - Permitted Uses

There shall not be any building, structure or premises erected, altered, occupied or used, arranged or designed to be used within any AHD for other than one or more of the following specified purposes:

- A. A building containing dwelling units
- B. Recreational areas and related facilities and structures
- C. Parking facilities
- D. Accessory buildings
- E. Signs
- F. Office facilities required for operations of the AHD

Section 7 - Maximum Coverage

The aggregate area of the various improvements in any AHD shall not exceed the following designated percentages of the total area of the property being developed as an AHD:

- A. Ground floor coverage of all buildings containing dwelling units shall not exceed fifteen percent of the total area.
- B. Areas which shall be paved for use as streets and parking areas shall not exceed thirty percent of the total area.
- C. Areas which shall be designated as open space which shall include areas which are unimproved or which shall contain improved landscaping or which shall be used for

recreational areas, shall, in the aggregate, contain not less than fifty percent of the total area.

- D. The maximum number of dwelling units permitted in the AHD shall be determined by multiplying the total number of buildable acres in the AHD by ten.
- E. For purposes of this regulation, buildable acres shall be defined as the gross acreage of the subject parcel, minus the following:
 - 1) Fifty percent of the land with grades steeper than thirty percent.
 - 2) Seventy-five percent of all wetland areas as determined by a certified soil scientist and approved by the Inland Wetlands and Watercourses Commission.

Section 8 - Yard and Height Requirements

Any structure within an AHD shall meet the following yard and height requirements:

- A. It shall not be located within fifty feet of the perimeter of the property.
- B. It shall not be located within seventy-five feet of any property which is zoned residential other than such land which is within the AHD.
- C. It shall contain not more than three stories, except that, where site conditions permit, any structure may have a fourth story, provided the lowest level shall have no more than three exterior walls above the grade level.
- D. It shall not exceed, in height, forty-five feet measured from the median elevation at which the foundation walls meet ground level to the median elevation of the uppermost roof rafters.

Section 9 - Unit Mix

Any structure containing dwellings within the AHD shall meet the following:

- A. No unit within an AHD shall contain more than three bedrooms.
- B. Not more than twenty-five percent of all dwelling units in an AHD shall contain more than two bedrooms.
- C. Not more than sixty-five percent of all dwelling units in an AHD shall contain more than one bedroom.

Section 10 - Parking

There shall be areas and facilities for designated parking which may be covered or uncovered and which contain, in the aggregate, a number of parking stalls sufficient to provide for parking on the following ratios:

- A. For each one bedroom dwelling unit - 1 ½ spaces.
- B. For each two bedroom dwelling unit - 2 spaces.

C. For each dwelling unit with more than two bedrooms - 2 ½ spaces.

Section 11 - Utilities

Any AHD shall be served by and any unit constructed in an AHD shall be connected to public water supply and storm and sanitary sewers providing for off-site disposal of storm waters and sewage. All telephone lines, electrical lines, and other public utilities shall be located underground. Window air-conditioning units and exterior clotheslines shall be prohibited within any AHD.

Section 12 - Recreation Area and Open Space

There shall be provided within the AHD active recreational facilities to serve the residents of the AHD including, but not limited to, a swimming pool, picnic areas and playground areas which shall be located so as to insure the health, safety and convenience of the residents of the AHD. All of the areas within the AHD that are not improved as authorized by these regulations shall be suitably landscaped except for any portion of the property which is not disturbed as a result of improvements or construction activities which may be left in their natural, unimproved state.

Section 13 - Interior Roadways

All roadways, sidewalks and utilities located within the perimeter of the AHD shall remain in private ownership and shall not become public highways or utilities. Legal documentation, satisfactory to the Town Attorney, shall be submitted showing retention of private ownership with respect to any such roads, sidewalks and utilities and granting reasonable and necessary authorization for passage over the property of the AHD for the police department, volunteer fire department, emergency medical services and any other emergency services.

Section 14 - Accessory Buildings

There shall be permitted within an AHD any structures required for the housing of facilities, machinery and equipment reasonably and necessary for the proper maintenance and repairs to the buildings and grounds contained within the AHD.

Section 15 - Walkways

Paved walkways shall be provided from buildings to parking areas and recreation areas except where the walkways are to be used on a limited basis when they may be surfaced with wood chips, grass, or other suitable non-permanent materials.

Section 16 - Lighting

Exterior lighting shall be provided and maintained within the AHD at all access points to the streets, parking areas, building entrances, and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level and glare from any light sources shall be shielded from any public highways and abutting properties.

Section 17 - Refuse Collection

Receptacles for refuse collection shall be located in such a way as to minimize visual impact and shall be suitably screened by fences or shrubbery.

Section 18 - Architectural Design

All buildings and other structures contained within the AHD shall be of architectural design which shall be similar to, and consistent with, residential structures within the community. The roofs on all structures shall be pitched. Any mechanical equipment located on the ground shall be screened either with structure or with plantings so as to be as unobtrusive as possible.

Section 19 - Landscaping and Screening

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.

Section 20 - Storm Drainage Facilities

All storm drainage facilities and public sanitary sewers shall be designed and constructed with town standards and shall be subject to the approval of the Town Engineer. All storm water drainage facilities shall be designed and sealed by an engineer licensed in the State of Connecticut.

Section 21 – 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

ARTICLE XV

SITE PLAN REVIEW

Section 1 - Purpose and Intent

It is the purpose of this procedure to enable the Planning and Zoning Commission to review the site plans of an applicant to assure that they meet the stated objectives and standards of these regulations, conform to the stated objectives of other agencies, provide for the safety and convenience of the general public as well as those using the subject site, and preserve important site features and landscaping where desirable. The objective is to achieve attractive development on the subject site, and to protect adjacent properties through appropriate design considerations and siting of buildings, structures, uses, access, parking, landscaping and other site development features.

Section 2 - Procedure

- A. In all cases where these regulations require approval of site plan, no building permit shall be issued until after the site plan has been reviewed and approved by the Commission. Permits shall be issued only in conformity with the approved site plan.
- B. The Commission shall approve, modify and approve, or deny the application within sixty-five (65) days after receipt, unless an extension of time is granted by the applicant. Approval of the site plan shall be presumed unless a decision to deny or modify it is rendered within the specified period. Day of receipt and extensions shall be calculated according to the provisions of Sec. 8-7d of the General Statutes, as amended.
- C. The Commission may refer applications for site plan review to appropriate town agencies and departments for review and recommendation.

Section 3 - Application Requirements

Application for site plan review shall be submitted to the Commission and shall include:

- A. Eight copies of all plans certified by a registered architect, engineer or surveyor shall be submitted which show the following information:
 - (1) Location of site drawn to a scale of not less than one (1) inch = 40 feet showing abutting streets, nearest cross streets, driveways on adjacent lots, structures on adjacent lots which are less than twenty feet from the property line, dimensions and size of the site. Map sheets shall not be greater than 42" x 30".
 - (2) Street and property lines, curbs, pavements, sidewalks, easements and rights-of-way.
 - (3) Location and dimensions of all existing and proposed buildings, structures, walls, fences, utility facilities, existing trees of 8 inch caliper or more, and other significant landscape elements.

- (4) Existing and proposed contours at maximum two foot intervals.
 - (5) Location of all existing watercourses, inland and tidal wetlands, flood hazard and encroachment lines and rock formations.
 - (6) Zoning data, including for all proposed structures; height, number of stories, yards, building coverage, number of parking spaces, number of dwelling units, total building area and proposed uses.
 - (7) The title of the development, date, revision dates, north arrow, scale, name and address of owner, and name and address of applicant if different from owner.
 - (8) Location, dimensions and surface treatment of existing and proposed off-street parking, traffic access, circulation drives and pedestrian walks.
 - (9) Location, size and type of proposed landscaping and buffer planting, and the designation of those areas of natural vegetation not to be disturbed.
 - (10) Location, type, design, shielding, power and hours of operation of all existing and proposed exterior and garage lighting.
 - (11) Elevations, color, materials, and finishes of all proposed structures.
 - (12) Location, type, size, design, color and illumination of all signs.
- B. Copies of all deeds, easements, or declarations or restrictive covenants required by the applicable regulation.
- C. An "Affordability Plan" as required by Article XIV, Section 4E or Article XVI, Section 5 of these regulations, if applicable.

Section 4 - Standards for Review

In reviewing site plans, the Commission shall take into consideration the purposes of these regulations, including the purposes of the applicable zoning district, the safety and convenience of the general public, and the maintenance of property values. Site plans may be modified and conditions put on approvals when deemed necessary to meet the following objectives:

- A. Safe, adequate, and convenient vehicular and pedestrian traffic both within and without the site. The Commission shall take into consideration the following features:
 - (1) Number, location, and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.
 - (2) Visibility in both directions at exit points.
 - (3) Location, arrangement, and screening of off-street parking spaces.

- (4) The location, arrangement, size and adequacy of landscaping provided for screening of parking areas, buildings, utilities and outdoor storage.
- B. The protection of environmental quality, landscaping of open space and harmony with existing development. The Commission shall take into consideration the following features:
- (1) Arrangement, location, architectural features, texture and color of proposed buildings and structures. The Board shall consider the location of structures on the site in relation to development on adjoining properties, open space, topography, and existing vegetation.
 - (2) The shielding of light, noise, odors, particles and other disturbances which could interfere with the use and enjoyment of neighboring properties.
 - (3) Window air conditioners shall be prohibited.

ARTICLE XVI

HOUSING OPPORTUNITY DEVELOPMENT ZONE

Section 1 - Purpose and Intent

It is the purpose and intent of this regulation to authorize construction of affordable housing which will offer housing for, among others, the less affluent elderly and younger members of the community and town employees; to encourage flexibility in housing construction to provide a variety of housing opportunities to meet the needs of the community; to encourage the construction of housing that is affordable as defined by state statutes consistent with design and construction standards present in the community; and to assist in meeting the Town's need for affordable residential alternatives.

Section 2 - Regulations for Housing Opportunity Development

Any Housing Opportunity Development (HOD) 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.

A building permit for the construction of all or any part of an affordable housing development shall not be issued unless and until the Planning and Zoning Commission shall have approved a site plan for the affordable housing development in accordance with the provisions of Article XV of these regulations.

Section 3 - Definitions

A "Housing Opportunity Development" (HOD) is a housing development (a) which is "assisted housing" as defined in CT Gen. Stat. §8-30g (a)(3); or (b) in which not less than fifty percent (50%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require in perpetuity that such dwelling units be sold and rented at, or below, prices which will preserve the units as affordable housing as defined in §8-39a of the General Statutes for persons and families whose income is less than or equal to eighty percent (80%) of the area median income.

"Housing Opportunity Unit." As used in these regulations, "Housing Opportunity Unit" means housing for which persons and families pay thirty percent (30%) or less of their annual income, where such income is less than or equal to eighty percent (80%) of the area median income for the Town of Trumbull, as determined by the U.S. Department of Housing and Urban Development.

"Monthly Payment"; as used in connection with a Housing Opportunity Unit for sale, shall mean the amount paid monthly for mortgage principal and interest, property taxes and insurance, and common charges in the case of ownership in a common interest community; and utility costs, including hot water and electricity, but excluding telephone and cable television. The maximum allowable monthly payment for a HOD unit that is rented shall include the cost of rent; common charges if the tenant is directly responsible; heat and utility costs, including hot water and electricity, but excluding telephone and cable television.

Section 4 - Requirements as to Housing Opportunity Units

The site plan for an HOD and documents submitted in support of such development shall comply with the requirements set forth below. These requirements shall apply to any sale, rental, resale, purchase and subsequent lease, and conversion to common interest ownership and subsequent resale of a Housing Opportunity Unit:

- A. Housing Opportunity Units shall be of a construction quality and size that is comparable to market-rate units within the development, and shall be dispersed throughout the development.
- B. If the development is to be built in phases, the Housing Opportunity Units will be built on a pro rata basis as construction proceeds.
- C. A Housing Opportunity Unit shall be occupied only as the purchaser's or tenant's primary residence. To the extent that subletting is permitted by lease, subletting at a rental greater than the "maximum monthly payment" as defined above shall be strictly and specifically prohibited in the lease for each affordable unit.
- D. The developer or its successor may change the designation of which units within the development shall be set aside as affordable, provided that the minimum fifty percent (50%) set aside shall be maintained, and the development as a whole shall continue to comply with all paragraphs of this section.

Section 5 - Site Plan Submission Requirements

In conjunction with the submission of an application for approval of a site plan for a Housing Opportunity Development, the applicant shall submit an "Affordability Plan," which shall describe in detail how the development will comply with this article and how the affordability covenants and restrictions will be administered. Such plan shall include provisions for: procedures for notice of affordable units; procedures for verification and periodic re-verification of unit occupant income and compliance with affordability requirements; and periodic reports concerning compliance with this Article. Such plan shall also include drafts of documents, such as deeds of conveyance and leases, which will be used in the administration of the affordability restrictions, and any explanations which will be provided to the unit occupants concerning such restrictions.

Section 6 - Location

An HOD shall be located only on the following parcel of land:

That parcel of land consisting of approximately 5.97 acres, located at 88 White Plains Road, Trumbull, more particularly described in a deed recorded at Volume 569, Page 109, of the Trumbull Land Records.

Section 7 - Permitted Uses

There shall not be any building, structure or premises erected, altered, occupied or used, arranged or designed to be used within any HOD for other than one or more of the following specified purposes.

- A. A building containing dwelling units.
- B. Recreational and community and related facilities and structures.
- C. Parking facilities.
- D. Accessory buildings.
- E. Signs
- F. Office facilities required for operations of the HOD.

Section 8 - Maximum Coverage

The aggregate area of the various improvements in any HOD shall not exceed the following designated percentages of the total area of the property being developed as an HOD:

- A. Ground floor coverage of all buildings containing dwelling units or recreational/ community structures, together with areas which shall be paved for use as streets and parking areas, shall not exceed fifty percent (50%) of the total area.
- B. Areas which shall be unimproved or which shall contain improved landscaping or which shall be used for recreational areas, shall, in the aggregate, contain not less than forty percent (40%) of the total area.
- C. The maximum number of dwelling units permitted in the HOD shall be determined by multiplying the total number of gross acres in the HOD by twelve (12).

Section 9 - Yard and Height Requirements

Any structure within an HOD shall meet the following yard and height requirements:

- A. It shall not be located within fifty (50) feet of the front yard of the property.
- B. It shall not be located within twenty-five (25) feet of any property which is zoned residential other than such land which is within the HOD.
- C. It shall contain not more than three (3) stories.
- D. It shall not exceed, in height, forty (40) feet measured from the median elevation at which the foundation walls meet ground level to the median elevation of the uppermost roof rafters.

Section 10 - Unit Mix

Any structure containing dwellings within the HOD shall meet the following:

- A. No unit within an HOD shall contain more than four (4) bedrooms.

- B. Not more than twenty percent (20%) of all dwelling units in an HOD shall contain more than three (3) bedrooms.
- C. Not more than sixty percent (60%) of all dwelling units in an HOD shall contain more than two (2) bedrooms.
- D. In accordance with Connecticut General Statutes §§29-269 and 29-273, at least ten percent (10%) of all dwelling units in an HOD shall be accessible to and adaptable for persons with disabilities or handicaps as defined in the American with Disabilities Act, 42 U.S.C. §12101, and the federal Fair Housing Act, 42 U.S.C. §3600.

Section 11 - Parking

There shall be areas and facilities for designated parking which may be covered or uncovered and which contain, in the aggregate, a number of parking stalls sufficient to provide for parking on the following ratios: For each dwelling unit – two (2) spaces.

Section 12 - Utilities

Any HOD shall be served by and any unit constructed in an HOD shall be connected to public water supply and storm and sanitary sewers providing for off-site disposal of storm waters and sewage. All telephone lines, electrical lines, and other public utilities shall be located underground.

Section 13 - Recreation Area and Open Space

There shall be provided within the HOD a community/recreational facility to serve the residents of the HOD, located so as to insure the health, safety, and convenience of the residents of the HOD. All of the areas within the HOD that are not improved as authorized by these regulations shall be suitably landscaped except for any portion of the property which is not disturbed as a result of improvements or construction activities which may be left in their natural, unimproved state.

Section 14 - Interior Roadways

All roadways, sidewalks, and utilities located within the perimeter of the HOD shall remain in private ownership and shall not become public highways or utilities. Legal documentation, satisfactory to the Town Attorney, shall be submitted showing retention of private ownership with respect to any such roads, sidewalks, and utilities and granting reasonable and necessary authorization for passage over the property of the HOD for the police department, volunteer fire department, emergency medical services, and any other emergency services.

Section 15 - Accessory Buildings

There shall be permitted within an HOD any structures required for the housing of facilities, machinery, and equipment reasonable and necessary for the proper maintenance and repairs to the buildings and grounds contained within the HOD.

Section 16 - Walkways

Paved walkways shall be provided from buildings to parking areas and recreation areas except where the walkways are to be used on a limited basis when they may be surfaced with wood chips, grass, or other suitable non-permanent materials.

Section 17 - Lighting

Exterior lighting shall be provided and maintained within the HOD at all access points to the streets, parking areas, building entrances, and wherever else they may be required for the safety of vehicular and pedestrian traffic. All exterior lights shall be low-level and glare from any light sources shall be shielded from any public highways and abutting properties.

Section 18 - Refuse and Recycling Collection

Receptacles for refuse collection and recycling shall be located in such a way as to minimize visual impact and shall be suitably screened by fences or shrubbery.

Section 19 - Architectural Design

All buildings and other structures contained within the HOD shall be of architectural design which shall be similar to and consistent with residential structures within the community. The roofs on all structures shall be pitched. Any mechanical equipment located on the ground shall be screened either with structure or with plantings so as to be as unobtrusive as possible.

Section 20 - Landscaping and Screening

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.

Section 21 - Storm Drainage Facilities

All storm drainage facilities and public sanitary sewers shall be designed and constructed with town standards and shall be subject to the approval of the Town Engineer. All storm water drainage facilities shall be designed and sealed by an engineer licensed in the State of Connecticut.

Section 22 – 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

ARTICLE XVII

WIRELESS TELECOMMUNICATION FACILITIES, TOWERS, ANTENNAS, AND SATELLITE DISHES

Section 1 - Preamble

The purpose of regulating Wireless Telecommunication Facilities and Towers is to:

- A. Preserve the character and appearance of the Town of Trumbull while allowing adequate Wireless Telecommunication Services to be developed.
- B. Protect the scenic, historic, environmental, and natural or man-made resources of the community.
- C. Provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification, and removal of Wireless Telecommunication Facilities.
- D. 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.
- E. Preserve property values.
- F. Minimize the total number and height of towers throughout the community.
- G. 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.
- H. 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.
- I. Require facility co-location where possible.

Section 2 - Consistency with Federal Law

These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:

- A. They do not prohibit or have the effect of prohibiting the provision of Wireless Services.
- B. They are not intended to be used to unreasonably discriminate among Wireless Telecommunications Services.
- C. 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.

- D. Decisions will be made within a reasonable period of time. Rejections will be in writing and supported by substantial evidence in a written record.

Section 3 - Relevant Definitions

In addition to the terms defined in Article I, the following definitions pertain specifically to Article XVII:

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 windloading.

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.

Section 4 - Permitted and Exempted Uses

A. Permitted Uses

Towers are permitted in all zones, subject to Special Permit or Special Exception approvals, and compliance with Article XVII. Wireless Telecommunication Facilities are permitted in all zones subject to Special Permit or Special Exception approval and compliance with Article XVII.

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.

B. 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, non-conforming 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.

Section 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.

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.

2. 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.

3. 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.
4. 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 accessways 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.
- a) **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.

Section 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. Siting 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, siting 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.

Section 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
 - a) That the applicant is not able to use existing towers/facility sites to provide adequate coverage; and
 - b) 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
 - c) 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
 - d) That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities; and
 - e) 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 siting 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.

Section 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.

Section 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.

Section 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 furnish 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.

Section 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.

Section 12 - Replacement by State Regulations

In the event that the Connecticut State Statutes are amended to place any of the items covered in Article XVII 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 XVIII

AGE RESTRICTED ELDERLY HOUSING ZONE

Section 1 - Purpose and Intent

- A. It is the purpose and intent of this regulation 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 Elderly Housing Zone (AREHZ) 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 Elderly Housing Zone (AREHZ) 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 or restrictions which shall require that such dwelling units be sold and rented exclusively as a single-family residence by at least one person who is fifty-five (55) years of age or older.

Section 2 - Site of Zone

An Age Restricted Elderly Housing Zone (AREHZ) shall consist of at least three contiguous acres, and have frontage on a State highway.

Section 3 - Location of Zone

An AREHZ shall be located only in areas zoned for residential use, and shall have at least 150 feet of road frontage. Such AREHZ shall be located in the sewerred areas of the town, and shall not be located within one-quarter mile of any zone of higher density than a one-half acre zone, excluding a convalescent home, nursing home, assisted living facility, congregate housing, or PRCZ within the Town of Trumbull.

Section 4 - Density

The maximum number of dwelling units per "buildable" acre shall be no greater than 4 for the property designated as Residence Zone A, and shall be no greater than 2 for property 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.

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

- A. Fifty percent of the land with grades steeper than forty percent.
- B. Seventy-five 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.

Section 5 - Permitted Uses

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

Section 6 - Minimum Building Lines and Limits on Height and Bulk of Buildings

Minimum Road Frontage	150'
Maximum Building Height	35'
Setbacks - Landscaped Front	60'
Landscaped Side	50'
Landscaped Rear	50'
Maximum Lot Coverage	25 %

Section 7 - 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 applicable town ordinances and regulations.
- B. All utility facilities shall be placed underground.
- C. The dimensions and construction of the paved portions of the roads shall conform to all applicable town ordinances and regulations.
- D. The dimensions and construction of parking areas shall conform to all applicable town ordinances and regulations.
- E. There shall be a public water supply and municipal sewer system.
- F. All common areas and elements are to be maintained by an association of homeowners and/or a Common Interest Association.
- G. All internal roads shall be private roads and not dedicated.

Section 8 - 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 Planning and Zoning Commission. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Planning and Zoning Commission. The landscape plan shall be submitted to the Commission for final approval prior to the issuance of building permits.

Section 9 - Design Review

The applicant shall submit design standards in conformance with Section 13 of this Article.

Section 10 - Parking

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

Section 11 - Application for Zone Change Approval

An application for a zone change to AREHZ shall include:

- A. A completed zone change application as provided for by the Planning and Zoning 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 4 of this Article).
- B. A written statement describing how the proposal complied with the purposes set forth in this Article, Section 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.
- D. Preliminary building plans illustrating:
 - (1) A typical floor plan.
 - (2) Typical elevations.
 - (3) Design Standards (as required in Section 13 of this Article).

Section 12 - Standards for Zone Change Approval

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

- A. The development project conforms to the purposes set forth in Section 1 of this Article.

- 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.

Section 13 - Standards for Site Plan Approval and Design Review

The Planning and Zoning Commission shall approve a site plan if it complies with the requirements of Section 2 through 11 of this Article 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 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 thirty five 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 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 accessway in the development.
- (2) No animals or poultry, 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 AREHZ 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 fifty-five (55) years of age or older. 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.

Section 14 – 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 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/Site Plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

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.

ARTICLE XIX

MORATORIUMS

Section 1 - Residence Zones

MORATORIUM ON ASSISTED LIVING FACILITIES ZONES

Whereas: The Planning and Zoning Commission has very carefully charted the growth of the community since the beginnings of the Commission, and has guided the development of the residential areas within the Town into well-ordered neighborhoods;

Be it resolved: That the Planning and Zoning Commission hereby declares an immediate moratorium on applications for, and approvals of, Assisted Living Facilities Zones, which shall extend for a period of TWO years after completion of the last Assisted Living Facilities unit approved, to determine the additional need of these units 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 Assisted Living Facilities during this period (effective November 5, 1999).

Section 2 - Affordable Housing

No applications relating to the development of affordable housing within the town of Trumbull shall be approved by the town Planning and Zoning Commission for a period of six months from the effective date of this regulation (effective May 21, 2001) so that the Commission can revise the current regulations.