

# ZONING REGULATIONS

TOWN OF CROMWELL

Revised through April 18, 2007

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## SECTION I - GENERAL

### 1.1 PURPOSE

The purpose of these Zoning Regulations is to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air; to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; to promote health, safety, and the general welfare; and to that end to designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residence, commerce, trade, industry and other purposes; to regulate and limit the height, number of stories and size of buildings and other structures, hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population; and for said purposes to divide the town into zoning districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement, all in accordance with Chapter 124 of the General Statutes, 1958 Revision, as amended, from time to time, and other applicable General or Special Acts of the General Assembly.

### 1.2 BASIC REQUIREMENTS

No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained; nor shall any building structure or land be used or be arranged, designed, or intended for any use other than is permitted in the district in which such building, structure or land is located. The erection of a single family dwelling shall not, however, be prohibited on a lot in single ownership filed or recorded in the office of the Town Clerk, prior to the effective date of these regulations, which is smaller than required, providing that the owner or owners of any smaller lot did not own sufficient adjoining land at the time of adoption of these regulations to conform therewith, and provided further that all buildings on the lots are so designed and erected as to conform with the requirements of the use district in which such lot is situated.

In their interpretation and application, the provisions of these regulations shall be held to be adopted for the purposes stated herein. It is not intended by these regulations to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or regulation, or covenants or with any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where these regulations impose a greater restriction upon the use of buildings or premises or upon heights of buildings, or require larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or covenants, or by such rules, regulations or permits, the provisions of these regulations shall prevail.

## SECTION III - DEFINITIONS

### 3.0 DEFINITIONS

Except where specifically defined herein, all words used in these regulations shall carry their customary meaning. Words used in the present tense include the future; the plural includes the singular; the word "lot" includes the word "plot"; the word "building," includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

- 3.1.1 Accessory Building or Use. An accessory building or use is one which is subordinate and customarily incidental to the main building and use on the same lot. The term "accessory building" shall exclude private garages and when used in connection with a farm shall include all structures customarily used for farm purposes.
- 3.1.2 Apartment House. A building used by three (3) or more families living independently of each other with common hallways and stairways.
- 3.1.3 Apartment Garden. Any building, or group of buildings under one ownership, but not detached single family units, that is designed or intended to be occupied by three (3) or more families living independently of each other.
- 3.1.4 Billboard. Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an announcement, direction or advertisement of an object made or sold or services rendered off the premises on which the billboard is erected.
- 3.1.5 Boarding or Rooming House. Any dwelling used by more than three (3) persons, either individually or as families who are housed or lodged for hire with or without meals. A rooming house or a furnished room house shall be deemed a boarding house.
- 3.1.6 Building. A building is an independent structure having a roof supported by columns or walls resting on its own foundation and includes shed, garage, stable, greenhouse or other accessory building.
- 3.1.7 Building Detached. A building separated on all sides from adjacent buildings by open spaces from the ground up.

- 3.1.19 Family. Any number of individuals regularly living together as a single housekeeping unit with complete individual bathroom, and doing their cooking on the premises; as distinguished from a group occupying a boarding or rooming house or hotel.
- 3.1.20 Farm: An area of five (5) or more acres devoted to farm uses, for gain or the expectation of gain, in the raising of agricultural products, livestock, poultry, or dairy products. It includes necessary structures within the prescribed limits and the storage of materials and equipment used. It excludes the raising of fur bearing animals, riding academies, livery or boarding stables, and dog kennels.
- 3.1.21 Filling Station, Gas Station. Any building or premises so used for the sale of gasoline as to require a license from the Commissioner of Motor Vehicles as provided in Section 14-321 of Chapter 250 of the General Statutes, 1958 Revision, as amended. It shall also include any building or premises used for polishing, greasing, washing, repairing or servicing of motor vehicles and the hiring of vehicles and equipment trailers.
- 3.1.22 Floor Area. That area which has a minimum head room of seven (7) feet when measured vertically upward from a finished floor; but in the area next below the roof such space shall be counted only if it is connected with the floor below by a permanent inside stairway. Basement rooms; garages or any other form of attached structure; cellars; rooms for heating equipment; and open or enclosed porches shall not be included.
- 3.1.23 Garage, Community. A structure or a series of structures for storage of automobiles of residents of the neighborhood and not used for the making of repairs for profit.
- 3.1.24 Garage, Private: A structure intended or designed to be used for storage of motor vehicles. Unattached private garages must comply with the accessory building setbacks and shall not exceed eighteen feet in overall height. Large domestic animal pets may not be kept in a private garage.
- 3.1.25 Garage, Public. A building other than a private or community garage used for maintenance, repair and storage of motor vehicles as well as sale, lease and hire of vehicles.
- 3.1.26 Golf Course. An area of not less than forty acres devoted to the playing of golf and related activities, with participation either being limited to members or open to the general public. It includes necessary structures and the storage of equipment and materials used.

- 3.1.38 Lot Building. A parcel of land used or occupied, or to be used or occupied by a building or group of buildings and accessory buildings and including such open spaces as are required by these regulations.
- 3.1.39 Lot Corner. A lot situated at the intersection of two or more streets having an interior angle of not more than 135 degrees.
- 3.1.40 Lot Depth of. The mean distance from the street line to its opposite rear line measured in the general direction of the side lines of the lot.
- 3.1.41 Lot Line. The property line bounding a lot.
- 3.1.42 Lot Rear. A lot which does not have the minimum amount of street frontage. This definition shall not include non-conforming lots with less than the required amount of frontage.
- 3.1.43 Lot Through. A lot having both front and rear yards abutting on a street.
- 3.1.44 Lot Width of. The distance between the side lines of a lot measured either along the front lot line or along the building setback line whichever is the greater.
- 3.1.45 Motel Motor Court. A building or group of buildings containing one or more guest rooms having separate outside entrances for each room or suite of rooms and for each of which rooms or suite of rooms, automobile parking space is provided on the premises.
- 3.1.46 Motor Hotel. A hotel which provides garage space for autos.
- 3.1.47 Parking Area. An area other than a street used for the temporary parking of more than four (4) automobiles.
- 3.1.48 Parking Space. An off-street space available for the parking of one motor vehicle.
- 3.1.49 Professional Office. An office of recognized professions such as doctors, dentists, lawyers, architects, engineers, musicians, artists, designers, teachers and others who through training are qualified to perform services of a professional nature.
- 3.1.50 Public Utility. Any public or private entity engaged in providing ancillary cooling water services for electric generation facilities or distributing electricity, electronic communications, or water to the general public, including associated substations, pumping stations, water storage, waste water treatment and water treatment facilities. Said term shall not include junkyard or solid waste facility.

- 3.1.63 Tag Sale. The sale of personal property from one's own residential property. The term Tag Sale shall include all such other terms as yard sale, garage sale, etc.
- 3.1.64 Temporary Structure: A structure which by type and materials of its construction is erected for an expected or intended use of not more than two years from the date of the permit and is so stated in the permit. Such structure shall include tents, portable band stands, bleachers not erected in conjunction with athletic fields, reviewing stands, or other structures of similar nature.
- 3.1.65 Theatre, Outdoor Drive-In. An open lot or part thereof with its appurtenant facilities, devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis, to patrons in automobiles or on outdoor seats.
- 3.1.66 Tourist Home. A building of residential character, offering two or more rooms for lodging for compensation with or without meals.
- 3.1.67 Trailer, Utility. A trailer used to carry personal items such as recreational equipment, lawn debris and lawn care material.
- 3.1.68 Transfer Station. A building or other structure within which solid waste is sorted and temporarily stored for further shipment.
- 3.1.69 Use. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.
- 3.1.70 Use, Permitted. The term "permitted use" or its equivalent includes all uses except non-conforming uses.
- 3.1.71 Use, Principal: The primary purpose or function for which a premises is used, designed, or intended to be used.
- 3.1.72 Vehicle, Commercial. A motor vehicle which possesses one or more of the following characteristics: (1) designed and built to perform a function other than carrying 8 or fewer passengers; (2) a lettered sign, product logo or related design painted or affixed to the vehicle; (3) permanent modifications to facilitate the carrying of goods or equipment; (4) used for commercial purposes for more than 4 hours in any one day on a regular basis.
- 3.1.73 Vehicle, Recreational. Any of the following vehicles: sail boat, motor boat, boat trailer, camper trailer, or mobile home.

## SECTION IV GENERAL REGULATIONS

### 4.1 GENERAL

- a. Establishment of Use Table. A use table is hereby established to govern uses within the various use districts.
  
- b. Purpose of Use Table and Determination of Use
  1. The purpose of this table is to serve as a guide in the development of land. The uses enumerated are not exhaustive nor are they meant to cover all possible uses, acting as a restrictive table to prevent the development of non-listed activities. They are to establish a pattern of development for the various use districts thus providing for a homogenous composition of the district.
  
  2. The Planning and Zoning Commission shall make the final administrative determination as to the type use applied for. This determination is not subject to variance or special exception by the Zoning Board of Appeals.
  
- c. Permitted Uses. Permitted uses in the several use districts are only allowed where indicated in the Table by an "X". A number in parentheses ( ) indicates special regulations as follows:
  1. Special Permit: The number (1) indicates use is permitted upon issuance of a Special Permit by the Planning and Zoning Commission after a public hearing but not limited to those specified. All Special Permit applications shall be accompanied by a fee of \$85.00 to cover the cost of advertising and processing.
  
  2. Use Permit: The number (2) indicates that use may be permitted when authorized by the Planning and Zoning Commission, or by the Development Compliance Officer and the Town Planner, after review and approval of the site plan if required and consideration of the relationship to adjoining properties as to health, safety and welfare. The Town Planner shall report to the Commission on a monthly basis indicating use permits authorized by the staff during the preceding month.

Requests for use permits for activities which involve new construction, modification to an existing building or site, change in the hours of operation, increase in parking or traffic, or other uses subject to conditions shall be decided by the Commission. Where the Commission determines that a

particular use will create a significant impact on surrounding properties or the Town of Cromwell as a whole, it may, at its discretion, determine that a Special Permit be required.

3. Agricultural: The number (3) indicates customary agricultural operations are permitted provided, however, that no storage of manure or odor or dust-producing substance or use shall be Permitted within 100 feet of any residential property line.
- d. In an Industrial Use District residence is allowed only for a janitor or caretaker of the premises and his family.
- e. No outdoor storage except in screened areas will be permitted in planned business, industrial park, business or industrial. This requirement may be waived by the Commission in the case of new or used merchandise for retail sale.
- f. No structure in any use district shall be constructed having a floor elevation below plus 25.0', U. S. Coast and Geodetic Datum; except as provided for under Section XII of these regulations.
- g. No building permit shall be issued until such time as the proposed use or structure complies with all of the provisions of the Zoning Regulations as evidenced by the issuance of a Use Permit or Special Permit by the Commission for any new structure or for making structural alterations, except for single-family detached residence structures and related accessory uses.
- h. In any use district, no building shall be erected within 30 feet of any watercourse. This distance shall be measured from the nearest edge of water under normal flow conditions. This prohibition shall not apply to accessory structures.
- i. Free-standing ATM structures independent of a main or branch office shall be permitted in all zones except residential or PRD.

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
15. Book, Stationery store								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	x
16. Bottling Plant & Distribution (2)		x			x			
17. Bowling Alley (2)				x				
18. Brewery, Distillery (1)		x			x			
19. Building materials; sales yard, storage (2)		x		x	x			
20. Burial Vault; Manufacture (2)		x			x			
21. Bus								
A. Shelters (2)		x		x	x	x	x	
B. Deport (2)		x		x	x	x	x	
22. Cafe, Restaurant, (including entertainment, alcoholic beverages) (2)				x			x	x
23. Camera shop: service, supplies, repair & equipment								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	x
24. Canvas Products: sales & fabrication								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	
25. Carpet cleaning factory (2)		x			x			
26. Carpenter, Woodworking Shop								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	
27. Casting; Non-ferrous; lightweight (1)		x			x			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
28. Cemetery (1)			x					
29. Crematories (1)				x	x			
30. Charitable Institution (1)				x				
31. Chemical Manufacture & storage (1)		x			x			
32. Church, Religious Institution (1)			x	x		x	x	
33. Cleaning & Dyeing Works (2)		x			x			
34. Clinic, Public (2)				x	x	x	x	
35. Clothing: Store, Manufacturing and Processing and Alterations:								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	x
36. Clay products manufacture (2)		x			x			
37. Club, lodge (except as business) (2)				x		x	x	
38. Concrete Products: sales, manufacture (1)		x			x			
39. Convalescent Home, Nursing Home (1)			x	x				
40. Delicatessen (2)				x			x	x
41. Department Store								
A. Less than 50,000 s.f. GLA (2)				x				
B. More than 50,000 s.f. GLA (1)				x				

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
42. Drug Store (2)				X			X	X
43. Drycleaner and Laundry:								
A. Wholesale (2)		X			X			
B. Retail (2)				X	X		X	
44. Dwelling: Multiple Family New construction (2)						X	X	X
45. Dwelling: one family			X	X		X	X	
46. Dwelling: two family (2)				X		X	X	
47. Dwelling: Converted (2)				X		X	X	
48. Electrician (2)		X		X	X		X	
49. Employment Agency		X		X	X		X	
50. Farms:		X	X	X	X	X		
Agricultural (2) (3)								
Livestock, Poultry (3)								
51. Feed Store (2)				X	X			
52. Fibre Manufacture (2)			X		X			
53. Filling Station (1)		X		X	X		X	
54. Florist:								
A. Wholesale (2)		X			X			
B. Retail (2)				X			X	X
55. Food Store & Grocery Store (2)				X	X		X	
56. Food Manufacturing & Distribution:								
A. Wholesale (2)		X			X			
B. Retail (2)				X	X			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
57. Freight Classification Yard (2)		x			x			
58. Fuel & Petroleum Products: Storage & Distribution (1)					x			
59. Funeral Home (incl. embalming)				x				
60. Garage:								
Community (2)			x	x		x	x	
Private:								
A. Residential (2)			x	x		x	x	x
B. Business (2)		x		x	x		x	
Public (1)				x	x			
61. Gift Shop (2)				x			x	x
62. Glass fabrication & installation (2)		x		x	x			x
63. Golf Facilities								
A. Golf Course (1)		x	x			x		x
B. Miniature Golf (1)				x	x			
C. Golf Driving Range (1)		x		x	x			
D. Indoor Golf Training Facility (2)				x	x			x
64. Government Services (1)	x	x	x	x	x	x	x	x
65. Greenhouse:								
Commercial (2)				x	x			
Private (2)			x	x		x		
66. Hardware Store								
A. Retail				x			x	
B. Wholesale					x			
67. Home Occupations (1)			x	x		x	x	
68. Hospital, Sanitarium (1)			x	x	x			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
69. Hotel, Motor Hotel, Motel, Motor Court, Tourist Home (2)				x				
70. Ice Manufacture; storage & Vending (2)		x		x	x			
71. Institution; Religious, Philanthropic (1)			x	x		x		
72. Instruments; manufacturer of Scientific & Optical A. Wholesale (2) B. Retail (2)		x			x		x	
73. Interior Decorating Store (2)				x	x		x	x
74. Jewelry Manufacture A. Wholesale (2) B. Retail (2)		x			x		x	
75. Jewelry Store; retail (2)				x	x		x	x
76. Junkyard; Solid Waste Facility								
77. Kennel(1) other than vet hospital				x	x			
78. Laboratory, Research (1)		x		x	x			
79. Manufacturing & Assembly (2)		x			x			
80. Market; fish, meat, frozen foots (2)				x	x		x	
81. Merry-go-round; other amusement devices (1)			x	x	x	x		
82. Mining (1)		x		x	x			
83. Nursery School/Day Care (1)			x	x		x		

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
84. Nurseries:								
A. Wholesale (2)	x	x	x	x	x	x		
B. Retail (2)			x	x	x	x		
85. Office:								
A. Professional (accessory use)				See Article 11.4				
B. Professional (Principal Use) (2)		x		x	x	x	x	x
C. Corporate & Business (2)	x	x		x	x	x	x	x
86. Optician, Optometrist (2)				x	x		x	x
87. Package Store (2)				x			x	x
88. Parks, Playgrounds (2)		x	x	x	x	x	x	x
89. Pawn, or second hand shop				x			x	
90. Pet Shop (2)				x	x		x	
Training & Grooming Facility (1)				x	x		x	
91. Photographic Studio (2)				x	x		x	x
92. Planning Mill (2)		x			x			
93. Plastics, Manufacture (2)		x			x			
94. Plumber (2)		x		x	x		x	
95. Pottery Manufacturer (2)		x			x			
96. Printing, Publishing, Graphics, and Communication Offices (2)	x	x		x	x	x	x	
97. Processing, Food; (2) (excluding fat, fish, poultry, meat, vinegar)		x		x	x			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
98. Public Utility Bldg.;								
A. No Service yard (2)		x	x	x	x			x
B. With service yard (2)		x		x	x			
99. Quarry, Crusher (1)		x		x	x			
100. Radio Station & Masts:								
A. Commercial (2)		x		x	x			
B. Amateur (1)		x	x	x	x	x		
101. Rag and Bag Cleaning (2)								
102. Recycling Center (1)		x		x	x			
103. Rental Service:								
A. Bus (2)		x		x	x			x
B. Car & Truck (2)		x		x	x			x
C. Taxi (2)		x		x	x			x
D. Rental Store (2)		x		x	x			x
104. Repair Shop:								
A. Small Boat (2)		x		x	x			
B. Equipment (1)								
C. Vehicle (1)								
D. Trailers (1)								
105. Restaurant (Excluding entertainment & alcoholic beverages) (Except music & television) (2)				x			x	x
106. Riding academy, stable (1)			x	x	x			
107. Roadside Stand; Local produce only (2)			x	x	x			
108. Rock Crusher		x	x	x	x			
109. Roller Skating Rink (2)				x	x			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
110. Rooming House, furnished rooms								See Article 11.4
111. Sawmill (1)					x			
112. School (2)								
A. College, dormitory			x	x				
B. Nursery			x	x		x		
C. Private & Public (non-profit) (1) dormitory			x	x				
D. Vocational (1) dormitory			x	x	x			
113. Seed store (2)				x	x			
114. Self-service storage facility (1)				x	x			
115. Sheet Metal Fabrication (2)		x			x			
116. Stone and Monument Works (2)		x			x			
117. Storage:								
A. Chemical (1)		x			x			
B. Fuel & Petroleum Products (1)		x			x			
C. Boats (2)					x			
D. Building materials (2)				x	x			
118. Synthetics Manufacture (1)		x			x			
119. Taxidermist (2)		x			x			
120. Tea Room, Lunch Room; (excluding alcoholic beverages and entertainment) Except music and television (2)		x		x	x		x	x
121. Television Station & Masts: (Commercial) (2)		x		x	x			
122. Terra Cotta Manufacture (2)		x			x			

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
123. Theater:								
A. Drive-In (1)		x		x	x			
B. Indoor (2)				x	x			
124. Tobacco, Processing & Warehousing (2)		x			x			
125. Transfer Station (1)		x			x			
126. Truck Assembling & remodeling (2)								
A. Sales		x			x			
127. Upholstering & Interior Decorating				x	x			x
128. Utility & Accessory Building (2)		x	x	x	x	x		
129. Vault, Burial; Manufacture (2)		x			x			
130. Vending Machines (retail) (2)		x		x	x			
131. Vending Permits, Peddler & Solicitors	x	x		x	x			x
132. Veterinary Hospital (1)				x	x			
133. Warehouse; Wholesale distribution & storage (2)		x			x			

#### 4.3 PETITIONS FOR ZONE MAP OR ZONE REGULATION CHANGES

- a. Moratorium on all Zone Change Applications (effective January 23, 2006)
  1. As of the effective date of this amendment, the Planning and Zoning Commission shall not accept, process, or take any petition for an amendment or change in the Zoning Map and Use Districts of the Town of Cromwell.
  2. The reason for this moratorium is to allow the Commission appropriate and reasonable time to complete the new Plan of Conservation and Development, which may contain recommendations related to the location and density of future commercial and residential development.
  3. This moratorium shall remain in effect for a period of two hundred and seventy (270) days or until the effect date of the new Plan of Conservation and Development, whichever comes first.
  
- b. Petitions in Relation to Zoning Map Changes. Any person, firm or corporation desiring an amendment or change in the Zoning Map and Use Districts of the Town of Cromwell and having a vested interest in the property affected may submit a petition, proposing such amendment or changes, to the Planning and Zoning Commission. Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the person, firm or corporation submitting the petition:
  1. Petition. A petition shall be submitted in writing at the office of the Commission and shall be signed by the person, firm or corporation proposing the amendment or change or by the attorney or agent for such person, firm or corporation. The petition shall give the existing and proposed zone or zones of the property and a metes and bounds description of the land to be included in the amendment or change. The petition may also state any reasons for the proposed amendment or change.
  2. Application Fee. A fee of \$105.00 shall accompany the petition and shall be paid to the Commission for the use of the Town.
  3. Map. Twenty (20) copies of a map prepared and sealed by a licensed land surveyor shall be submitted with the petition showing the following:
    - a. All existing lots, dimensions, property lines and streets, the existing zoning, the proposed zoning, the north point and the name of the

petitioner.

- b. A key map drawn at a suitable scale to show the property's general location in the Town of Cromwell.
  - c. The ownership of all lots included in and contiguous to the area proposed to be rezoned, as indicated in the current records of the Cromwell Assessor's Office.
  - d. The map shall be drawn to a scale of 100 feet to the inch and may be based on the property line maps of the Cromwell Assessor's Office.
  - e. The map shall show the above required information for the area included in and within 500 feet of the area affected by the petition.
  - f. Any other information considered pertinent by the petitioner.
4. Notification of Abutting Property Owners. All applicants shall furnish to the Commission prior to the public hearing, evidence to the satisfaction of the Commission that all abutting property owners have been notified by certified mail that a public hearing on a Zone Map change has been scheduled by the Commission. The notice shall contain the name and address of the Applicant, the application file number, the location of the proposed Zone Map change, a description of the proposed Zone Map change, and the date, time, and location of the public hearing.
5. Sign Posting. On any parcel proposed for a Zone Map change, the Applicant shall post a sign or signs announcing the scheduled public hearing. The sign or signs shall be not less than sixteen square feet in size and shall contain the name of the Applicant, the Planning and Zoning Commission application file number, a description of the Zone Map Change, and the date, time, and location of the public hearing in letters that are not less than four inches high and can be seen clearly from the street. One sign shall be posted on every side of the property that has frontage on a town road, and shall be placed not more than five (5) feet from the edge of the property. The sign shall be two-sided and its face shall be perpendicular to the street. The sign shall be in place continuously for ten days prior to the public hearing and shall remain in place throughout the public hearing. If the public hearing is continued, the sign shall be revised to state the date of the continued public hearing.
6. Other Information. The Commission, after consideration of the above petition and map, may require the submission of such additional information as the

Commission deems necessary for the proper consideration of the petition.

- c. Zoning Map Changes Initiated by the Commission. Whenever the Commission deems it necessary or desirable to amend or change the Zoning Map and Use Districts of the Town, it may initiate a procedure to effect such amendments or changes. When it is proposing Zoning map changes, the Commission shall be exempt from complying with the requirements stated in Paragraph 1 above. The Commission shall, however, follow the procedure described below:
  1. Petition. The Commission shall file with the Town Clerk a statement identifying the approximate location of the property involved in the zone change, the present and proposed zoning of the property, the reason for the proposed map change, and the acreage to be affected by the change.
  2. Map. The Commission shall file with the Town Clerk one (1) copy of a map showing the boundaries of any proposed zone change and all property within 500 feet of the zone change. This map shall be of such a scale as to clearly indicate the extent of any proposed zone change.
  3. Notification.
    - a. When the Commission is considering a zone change which will affect twelve (12) or fewer property owners, the Commission shall notify by certified mail property owners within the boundaries of the proposed zone change. Such notification shall be mailed at least fourteen (14) days before any scheduled public hearing at which the proposed zoning change is to be discussed.
    - b. When the Commission is considering a zone change which will affect more than twelve property owners, the Commission shall publish in a newspaper of local circulation a map showing the acres affected by the proposed zone change. Such map shall be published not more than fifteen (15) days nor less than ten (10) days before the public hearing at which such zone change will be discussed.
- d. Petitions in Relation to Zoning Regulation Changes. Any persons, firm or corporation desiring an amendment or change in the Zoning Regulations of the Town of Cromwell may submit a petition, proposing such amendment: or change, to the Zoning Commission. Before the Commission shall consider any such petition, the following requirements shall be met and information submitted by the person, firm or corporation submitting the petition:

1. Petition. Petitions shall be submitted in writing at the office of the Commission and shall be signed by the person, firm, or corporation proposing the amendment or change or by the attorney or agent for such person, firm, or corporation. The petition shall state the existing text of the Zoning Regulations affected by the petition and shall state the proposed text. The petition shall state the reasons for the proposed amendment or change.
2. Application Fee. A fee of \$105.00 shall accompany the petition and shall be paid to the Commission for the use of the Town.

SECTION V  
USE DISTRICT REGULATIONS

5.1 USE DISTRICTS

For the purpose of promoting the public health, safety and general welfare, the Town of Cromwell is hereby divided into the following use districts.

5.2 SINGLE FAMILY RESIDENTIAL USE DISTRICT

- a. A-15. Purpose: To cover the central core of Cromwell where availability of public utilities, proximity to schools, and existing patterns of development make this density appropriate.
- b. A-25. Purpose: To cover those areas of Cromwell where development has occurred at less intense densities, and where water and sewer may or may not be available.
- c. A-40. Purpose: To cover those areas of Cromwell which are largely undeveloped or predominantly rural in character and which are least likely to have access to water and sewer lines.

5.3 WATERFRONT MIXED USE DEVELOPMENT DISTRICT

- a. Purpose: To provide performance criteria for appropriate development of property closely associated with the Connecticut River that will:
  - 1. take advantage of Cromwell's proximity to the Connecticut River and enhance the aesthetic appearance of one of Cromwell's principal entrance ways;
  - 2. allow a creative approach to the development of land closely associated with the Connecticut River;
  - 3. encourage the provision and preservation of community open spaces and recreation areas;
  - 4. make a more efficient use of land through smaller utility and street networks and greater economies in development costs;
  - 5. preserve significant natural features of the environment;
  - 6. be compatible in scale and appearance with existing neighborhood areas in the vicinity.

- b. Definitions. For the purposes of this section, terms used above are defined as follows:
1. Building Area is the total area covered by building space (taken at mean grade of each building, including accessory buildings) but not including unenclosed entrance platforms, uncovered terraces, or uncovered steps where such features do not themselves constitute enclosures for building areas below them.
  2. Floor Area is the sum of the areas on all floors of a building or buildings measured from the faces of the exterior walls. For computation purposes, it includes halls, lobbies, stairways, and elevator shafts, and basements or the lowest story to the extent used for residential purposes. It does not include unenclosed balconies, terraces, patios, or porches. It also does not include areas devoted to housing mechanical equipment such as heating and air conditioning equipment, plumbing, electrical equipment, common laundry facilities, and equipment storage facilities.
  3. Open Space is defined as all land within the development which is not covered by buildings, roads, driveways, parking areas, or service areas, or which is not set aside as private yards, patios, or gardens for the residents. Such land shall have a shape, dimension, character, and location suitable for use by at least all residents of the development for park, active and passive recreation, or conservation purposes. Provision shall be made so that the open space shall be owned in common by and readily accessible to the owners and residents, or by a membership corporation, trust or association whose members are all owners and occupants of the units, or by the town, or otherwise as the Commission may direct. Within the area designated as open space, recreation facilities such as walkways, bicycle paths, tennis and basketball courts, horseshoe pits, picnic benches and tables, boat launching ramps and docking facilities: may be installed.

c. Zoning Standards and Requirements.

1. Minimum Acreage. Any land to be designated as a Waterfront Mixed Use Development District shall comprise at least 20 contiguous acres. This area may include one or several parcels of property. Subsequent to the establishment of a Waterfront Mixed Use Development District, additional properties may be so designated without a minimum area if such properties are contiguous with the existing district. The Commission may request that an application for a zone change to Waterfront Mixed Use Development District include a conceptual plan at 1" = 100' for all parcels within the proposed zone change and atmospheric sketches illustrating the intended development.

2. Minimum Housing Unit Requirements. Each housing unit in a Waterfront Development District is an independent living unit which must conform at a minimum, to the following requirements for living space:

1 BR	900 square feet
2 BR	1050 square feet
3 BR	1200 square feet

Thereafter each additional bedroom shall require an additional 150 square feet.

3. Density and Coverage Requirements. Any development within this District shall conform to the requirements listed below:

Maximum Residential Density	5 units/acre
Maximum Building Area Coverage	15%
Total Floor Area Ratio	.25
Residential Floor Area Ratio	.20
Commercial Floor Area Ratio <sup>1</sup>	.05
Open Space Ratio	.40

#### FOOTNOTE

1. No more than 30% of the total allowable commercial floor area may be contained within a building that does not include any residential floor area. The Commercial Floor Area Ratio may increase to as high as .10 if such an increase is accompanied by an equivalent decline in the Residential Floor Area Ratio. Commercial floor area may be substituted for residential floor area on a 1500 square feet per residential unit basis. The application of the above ratios shall be as follows:

Total Floor Area Ratio multiplied by the land area (in Square feet) establishes the maximum permitted floor area including both residential and commercial space.

Residential Floor Area Ratio multiplied by the land area (in square feet) established the maximum permitted floor area for residential use.

Commercial Floor Area Ratio multiplied by the land area (in square feet) establishes the maximum permitted floor area for commercial use.

Open Space Ratio multiplied by the land area (in square feet) establishes the minimum required open space to be provided within the buildable area.

4. Bulk Requirements. Any development within this District shall comply with the requirements listed below:

Minimum Required Frontage <sup>1</sup>	300 ft.
Front Yard <sup>2</sup>	40 ft.
Side Yard <sup>3</sup>	25 ft.
Side Yard Aggregate	50 ft.
Rear Yard	25 ft.
Maximum Building Height	40 ft.
Minimum Building Area	3,000 sq.ft.
Maximum Building Area	12,000 sq.ft.

FOOTNOTES

1. Required frontage shall be measured along the public street providing primary access to the development.
2. The front yard shall be considered to be a 40' wide strip running parallel to the public street providing primary access to the development.
3. Where two separate parcels are to be developed as part of one overall plan, the required side yards between the common property lines may be eliminated.

d. Additional Development Standards and Criteria.

1. Flood Storage Requirements. Whenever a development proposed for a Waterfront Mixed Use Development District is also within an area designated as a 100 year flood plain, the developer shall submit plans and calculations demonstrating that flood water detention areas capable of accommodating, at a minimum, a 50-year flood are provided as part of the development. The developer is encouraged to provide additional flood storage capacity wherever possible. No building within such a development shall have a floor elevation below 25.0 feet, U.S. Coast and Geodetic Datum.
2. Access. All Waterfront Mixed Use Developments shall be so located so as to provide direct access to major streets and highways and other transportation facilities without creating traffic volumes along minor streets in residential neighborhoods outside of such developments which will have adverse effects on adjacent development.

3. Emergency Access. Any development within this District which is also within a 100-year flood plain shall include an access way for emergency ingress and egress in times of flooding, the elevation of which shall be above the elevation of the 100-year flood over its entire length. The traveled portion of this emergency access way shall be at least 24 feet wide.
4. Public Utilities.
  - a. All Waterfront Mixed Use Developments shall be serviced by public water supply and public sewage disposal. As part of the Special Permit application, plans and specifications of the water and sewer systems shall be provided and shall be in conformance with the requirements of the Cromwell Water Department and Cromwell Water Pollution Control Authority respectively.
  - b. All such developments shall be so located and planned in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems so that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing which would be inconsistent with the orderly growth of the community and in the best interest of the neighborhood. No development shall be permitted that reduces the capacity of a sanitary sewer trunk to such an extent as to effectively reduce the total land area that the sewer trunk was intended to serve prior to the development proposal.
  - c. Utility systems in Waterfront Mixed Use Developments shall be installed underground in both public ways and private extensions thereof. The Commission may waive this requirement when it considers this requirement to cause an undue hardship.
5. Parking. The parking requirements for a Waterfront Mixed Use Development shall be as follows:

2.25 parking spaces per residential dwelling unit

1 parking space per each 200 square feet of commercial floor area (retail/office)

1 parking space per each 3 seats in a restaurant or other eating facility

1 parking space per each 2 employees working in a restaurant or other eating facility.

Parking spaces required for residential and commercial uses shall be calculated separately; no provision for sharing of spaces is allowed when calculating the number of

parking spaces required. Space within a residential unit's garage and space within the driveway reserved for the exclusive use of one residential unit may be considered as parking spaces as long as the dimensions of such space conform to the minimum size of a parking space (9'x18.5').

6. Sidewalks. In Waterfront Mixed Use Developments sidewalks shall be provided along the public street which provides primary access to the development. Sidewalks shall also be installed within the development to provide convenient and safe access to commercial spaces and dwelling units from streets, driveways, parking lots or garages. Such sidewalks shall conform to the sidewalk specifications adopted by the Town of Cromwell. The alignment and gradient of sidewalks shall be coordinated with the grading plan to prevent the pocketing of surface water by sidewalks. Drainage swales shall not cross sidewalks nor shall walks be used as drainage ways. Where conditions are such that the pocketing of water by the intersection of drainage swale and sidewalk cannot be prevented, appropriate drainage structures shall be installed.
7. Circulation System. The Site Development Plan for a Waterfront Mixed Use Development shall indicate streets, driveways, parking areas, and other paved and non-paved areas intended for vehicular access.
  - a. Streets intended to provide primary routes of access for residents, employees and the general public patronizing businesses within the development shall conform to the "Specifications for Road and Street Construction" of the Town of Cromwell.
  - b. Streets entirely within the development and intended for access primarily to residential units shall have a minimum pavement width of twenty-four feet and shall conform in all other respects with the "Specifications for Road and Street Construction" of the Town of Cromwell.
8. Landscaping. Side yards, rear yards, front yards, and common open space areas shall be suitably landscaped. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property by the use of trees, shrubs, walls, fences or other landscape elements. Where the Waterfront Mixed Use Development District abuts a residential use district, a landscaped buffer at least 50 feet wide shall be maintained. This buffer shall be landscaped with a substantially sight impervious screen of evergreen foliage at least eight feet in height at planting.
9. Lighting. Lighting fixtures for sidewalks, steps, parking areas, driveways, streets and other facilities shall be in harmony with the character of the

development, and at locations which will assure safe and adequate nighttime illumination. Fixtures shall be properly shaded to screen the windows of habitable rooms from the direct rays of light.

10. Accessory Buildings. Accessory buildings may be allowed within a WMXD District and shall not count toward the Total Floor Area Ratio. Such buildings shall not exceed 1,000 square feet in building area. The use of such buildings shall be restricted to housing mechanical or HVAC equipment or to storing grounds maintenance equipment. Such buildings shall be used only for maintenance of the common grounds within a Waterfront Mixed Use Development and shall not be permitted for the use of any private resident of such a development. No accessory building shall be permitted within 100 feet of a residential use district.

e. Application Procedures.

1. Any proposed development within a Waterfront Mixed Use Development District shall require a Special Permit.
2. Any application for a development within this District shall include a site plan conforming to all the requirements of Article 20.4. In addition, the application shall include data indicating how the requirements and limitations of the Zoning Standards and Requirements listed in the preceding section have been addressed.
3. In addition to the site plan requirements of Article 20.4, any proposed development must be shown in architectural drawings that include, but are not limited to:
  - a. Front, Rear, and Side elevations.
  - b. Typical Floor Plans of Dwelling Units.
  - c. A plan identifying how residential and commercial will be divided in any joint use building.
  - d. Sketch perspectives indicating building mass and relationships among proposed structures.
  - e. General specifications as to construction materials, exterior siding, roofing, and acoustical materials, where applicable.
4. The architecture, location, and arrangements of structures shall be so designed as to be harmonious and compatible with the character of the general

## 4.2 USE REGULATIONS TABLE

Permitted Use:	PO	IP	RES	BUS	IND	PRD	DB	WMXD
1. Agency; Real Estate, Insurance (2)	x	x		x	x		x	x
2. Airplane: Assembly & remodeling (2)		x			x			
3. Airport; Heliport (1)		x			x			
4. Antique Shop (2)				x			x	x
5. Appliance Store (sales or repair)								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	
6. Auto, light truck dealer (sales and service) New and Used (2)				x	x		x	
7. Auto & Truck Body Shop (2)		x		x	x			
8. Bakery:								
A. Wholesale (2)		x			x			
B. Retail (2)				x			x	x
9. Bank; Other Financial Institutions (2)	x	x		x	x		x	x
A. Automated Teller Machine (ATM) Facility (2)	x	x		x	x		-	x
B. Automated Teller Machine (ATM) Facility (1)	-	-		-	-		x	-
10. Beauty or Barber Shop (2)				x			x	x
11. Billiards				x				
12. Blacksmith Shop & Welding (2)		x		x	x		x	
13. Boat Launching Facilities (2)								x
14. Boats: sales, assembly, modeling (2)	x			x	x			x

neighborhood. The Commission reserves the right to deny a special permit application in this District if, in its opinion, the appearance, scale, and layout of the proposed development is inappropriate for the general area of town.

#### 5.4 PLANNED OFFICE DISTRICT

- a. Purpose: To provide for the establishment of well-landscaped, park-like settings for corporate or other similar business offices. Buildings designed for this district should be architecturally compatible and similar in scale and texture.
- b. General Requirements.
  1. All uses within a Planned Office District shall require a Use Permit and shall, therefore, be required to conform to the site plan requirements listed in Article 13.2.
  2. Before the approval of any one site within a Planned Office District, a Master Concept Plan shall be submitted for the Commission's review and approval. This Plan shall show roads, lot layout, typical building locations, typical parking lot locations, landscaped areas, utilities, and any additional information the Commission may deem pertinent.
  3. In addition to a site plan, a developer shall also submit architectural renderings of any proposed building in order that the Commission may judge the compatibility of any proposed building(s) with any existing building(s). All buildings within a Planned Office District shall be designed to be architecturally harmonious in size, appearance, color, material and natural setting.
  4. All access to a Planned Office District shall be from a State Highway.
  5. There shall be no outside storage of goods or materials.
- c. Parking Requirements.
  1. No parking shall be permitted within the front yard of any lot developed in a Planned Office District. At least 20 feet of any side yard must be left unpaved or otherwise covered with impervious surface. At least 30 feet of any rear yard must be left unpaved or otherwise covered with impervious surface.
  2. Where a single firm employing 100 or more persons occupies all building space on the same lot, up to 15 percent of all required parking spaces may be eliminated if such firm has an established van pool or ridesharing program. In order to eliminate this amount of parking, however, the firm must demonstrate

that the total number of required parking spaces can be provided without violating the allowed lot coverage and required yard distances. The Commission may require the firm to provide eliminated parking spaces if, at any time, it finds the existing number of parking spaces inadequate for the number of cars being parked on an average day.

d. Landscaping.

1. The landscaping requirements of Article 11.1 shall be considered as the minimum landscaping requirements for a Planned Office District. Developers are encouraged to provide additional landscaping to enhance the value of their property and to advance the purpose of this section.
2. Where a Planned Office District abuts a Residential District, a buffer yard of at least 35 feet shall be maintained. Within this buffer yard, trees and shrubs shall be planted to give a screen of at least 15 feet deep using approved hardy, indigenous plants of which at least 50 percent shall be evergreen. At least 50 percent of all plantings shall be a minimum of 6 feet in height at planting. Existing natural growth may be preserved and supplemental where practical to comply with the buffer yard requirements.

e. Accessory and Non-Conforming Uses.

1. Restaurants, convenience shopping stores, and health club facilities may be permitted as accessory uses as long as such uses are wholly incorporated within a larger building primarily devoted to office use. There shall be no advertising on the grounds or building exterior for such accessory uses.
2. Existing residences are allowed as a permitted use within Planned Office Districts.

f. Creation of New Planned Office Districts.

1. Planned Office Districts may be designated by the Commission or may be established upon petition by the landowners or other parties having a vested interest in the land to be included in the proposed district.
2. A petition for a Planned Office District must be accompanied by a conceptual site plan in sufficient detail to show probable road layout, typical building sizes and locations, and typical lot sizes.
3. Any Planned Office District shall comprise at least 20 contiguous acres.

## 5.5 INDUSTRIAL PARK DISTRICT

### a. General Requirements.

1. Land, buildings and other structures may be constructed, used or altered for wholesale businesses, offices, storage warehouses, the manufacturing, processing or assembling of goods and public utilities provided that the following performance standards are met:
  - a. No dust, dirt, fly ash or offensive smoke shall be emitted into the air.
  - b. No offensive odor, or noxious, toxic, corrosive fumes or gases shall be emitted into the air.
  - c. No noise which is objectionable due to volume intermittence, beat frequency or shrillness shall be transmitted outside the property where it originates.
  - d. No offensive or harmful wastes shall be discharged into any stream or water course or on to any adjoining property.
  - e. No activity shall be conducted which is hazardous or dangerous to persons or property outside of the lot on which the activity is conducted.
2. Where the front, side and/or rear yard is across the street from a residential district such yards shall be at least 100 feet in depth.
3. Parking. Any parking space shall not be closer than 25 feet to the nearest residential zone line nor shall any exterior parking space be closer to any building on the property than ten (10) feet.
4. Landscaping.
  - a. A buffer zone shall be provided and maintained by the owner where any Industrial or Industrial Park District abuts a Residential Use District at least 25 feet in depth. This area shall not be used for storage of materials or parking of cars and trucks.
  - b. Against the property line trees and shrubs shall be planted to give a screen at least 15 feet deep using approved, hardy, indigenous plant materials of which at least 30% shall be evergreen and at least 60% of the plants shall be a minimum six feet in height.

- c. The balance of the depth of the buffer strip shall be planted and maintained as lawn of acceptable permanent grasses.
  - d. Acceptable existing natural growth shall be preserved where practicable and supplemented with new planting according to the foregoing regulations in order to give the required screening.
  - e. Permanent structures such as fences, walls, etc. may be approved in lieu of plantings or supplementing existing growth and/or planted trees and shrubs where in the opinion of the Commission the intent of these regulations will be served. Existing and proposed grading may also be considered in granting any variation from these regulations.
- b. Prohibited Uses:
- 1. Operation of a Junkyard
  - 2. Operation of a Solid Waste Facility
- c. Creation of New Industrial Park Districts. Industrial Park Districts may be designated on the Zoning Map and may also be established by petition in accordance with the following procedure, and subject to the following limitations:
- 1. A petition for an Industrial Park District, whether or not in a location designated on the Zoning Map, shall be submitted by the owner of the land, or by the holder of an option to purchase, to the Commission.
  - 2. The petition shall be accompanied by an application for a Special Permit for the proposed use.
  - 3. Land to be included in an Industrial Park District shall comprise at least ten (10) acres.
  - 4. After a public hearing the Commission may approve disapprove or approve with modifications the establishment of the district. No Site Development Plan shall be approved which is inconsistent with the public welfare, or which impairs the integrity of these regulations or which does not fully safeguard the appropriate use of the land in the immediate neighborhood.

## 5.6 DOWNTOWN BUSINESS DISTRICT

- a. Purpose. The purpose of these regulations is to:
1. Provide general guidelines as well as specific criteria for the appropriate development of an area of town whose pattern of development was established many years ago, before zoning was adopted in town.
  2. Where appropriate, encourage high density, pedestrian-oriented commercial development of a type consistent with the historic character of the area. Encourage the use of architectural and site design elements that are compatible with existing structures in the center of the Downtown Business District, and which promote pedestrian-oriented businesses (such as placing the building as close to the street as possible; using attractive doorways and display windows; putting parking spaces behind the building, etc.).
  3. Where appropriate, encourage high density, pedestrian-oriented multi-family development of a type compatible with the historic character of the area. Encourage the use of architectural and site design elements that are compatible with existing structures in the center of the Downtown Business District (such as placing the building relatively close to the street; putting parking spaces behind the building, etc.).
  4. Where appropriate, permit high density, single-family residential development of a type consistent with the character of the existing neighborhood in the A-15 District to the east. Encourage the use of architectural and site design elements that are consistent with the existing pattern of single-family development in the area (such as placing the house relatively close to the street; narrow side yards, etc.) and are typical of house design during the early part of the 20th century (open porches across the front of the house; detached garages behind the house, etc.).
  5. Facilitate the maintenance and upgrading of the neighborhood;
  6. Encourage the appropriate development of vacant and underutilized lots;
  7. Lessen the adverse effects of existing inappropriate and incompatible uses.
- b. Architectural Review. Because of the Downtown Business District's proximity to the "Upper Houses National Register Historic District" and the "Main Street National Register Historic District", and because the purpose of these regulations is to encourage appropriate, pedestrian-oriented development consistent or compatible with the area, the appearance of any new or modified structure shall be a factor in the Commissions decision. Therefore:

1. Any application for Site Plan Approval involving commercial or multi-family construction must include architectural renderings of the structure. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating a project.
  2. Any application submitted to the Zoning Enforcement Officer for the construction of or substantial changes to a ~~single-family house~~ must include architectural renderings of the house. The ZEO will forward those renderings to the Commission for its review before granting Zoning Approval. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating a project.
  3. Any application submitted to the Zoning Enforcement Officer for the rehabilitation or alteration of an existing commercial structure must include architectural renderings of the proposed rehabilitation or alteration. The ZEO will forward those renderings to the Commission for its review before granting Zoning Approval. The Commission may call upon other agencies, organizations, or qualified individuals to aid it in evaluating these renderings.
  4. Pre-Application Review: Applicants are encouraged to meet with the Commission prior to application on an informal basis to discuss design issues.
- c. Buffer Requirements. Where property proposed for commercial or multi-family development abuts residential property or property in an A-15 District, the applicant must provide a landscaped buffer strip:
1. A least 20 feet wide adjacent to the residential or A-15 property;
  2. Such a buffer strip shall consist of a relatively sight-impervious row of evergreen plants which shall be a minimum of 6 feet high at planting.
- d. Multi-Family Requirements. Where multi-family dwelling units are proposed for new construction within the Downtown Business District, they shall be subject to the following requirements and regulations:
1. Minimum Unit Sizes: Multi-family dwelling units shall conform to the minimum size requirements listed below:

0 BR	500 sq. ft.
1 BR	750 sq. ft.
2 BR	900 sq. ft.
3 BR	1050 sq. ft.

2. Density: The density of multi-family developments shall not exceed one unit per 5,000 square feet of property.
  3. Mixed Use Requirement:
    - A. Multi-story, multi-family structures shall have the street level story devoted entirely to commercial use; or,
    - B. Single story structures without commercial use shall be permitted provided that it be required that a principal occupant shall not be younger than 55 years of age.
  4. Parking Requirements:
    - A. All parking spaces serving this development shall be located behind the building whenever practical;
    - B. The following amount of parking shall be provided:
      - i. 1.75 parking spaces per dwelling unit;
      - ii. 1 parking space per each 175 sq.ft. of gross retail floor area;
      - iii. 1 parking space per each 275 sq.ft. of gross office floor area.
  5. Municipal water and sewer service must be provided.
- f. Commercial Development Requirements. All new commercial construction and all new commercial uses in existing structures shall be subject to the following requirements:
1. Parking Requirements:
    - A. All parking spaces serving this development shall be located behind the front wall of the building whenever practical;
    - B. The following amount of parking shall be provided:
      - i. At least 1 parking space per each 175 sq.ft. of gross retail floor area;
      - ii. At least 1 parking space per each 275 sq.ft. of gross office floor area;

- iii. At least 1 parking space for each four seats, plus one additional space for each two (2) employees at any restaurant, grill, bar or other type eating place.
  - 2. Mixed Use Requirement: Commercial buildings shall have at least one upper story devoted entirely to residential use.
  - 3. Prohibited Uses:
    - A. "Drive-through" type restaurants, convenience stores, and similar retail activities. This prohibition shall not apply to banks.
- g. Sidewalks:
  - 1. Sidewalks shall be required at all new construction or significant modifications. Except as provided for below, sidewalks shall conform to the Town of Cromwell's specifications and shall be located according to the Town's direction.
  - 2. The Commission may, at its discretion, require the use of ornamental paving materials instead of conventional concrete sidewalks.
- h. Exceptions: Where excellence of design or other conditions warrant, the Commission may waive or modify Article 5.6 d 2 (density), Article 5.6 d 4 B (amount of parking), or Article 5.6 c (buffer).

## 5.7 INSTITUTIONAL DEVELOPMENT DISTRICT

- a. Purpose: To provide performance criteria that will provide for the appropriate development of property to be used for institutional complexes whose principal function is the housing and care of the elderly. The intent of this section is to permit a degree of flexibility within the institutional site for uses which will satisfy the needs of the elderly population while providing proper on-site development which will blend with the existing community.
- b. Definitions: The following definitions shall apply to this section:
  - Building Coverage shall mean the percentage of the lot that is covered by the roof area of all buildings and structures on the lot.
  - Institution shall mean an organization, establishment, foundation, or society, which is devoted to and uses its land and buildings for the promotion of elderly care, health, and education objectives.

Landscaped area shall mean an open area, a water body, a landscaped area, or naturally vegetated area maintained in natural ground cover, lawn, trees, shrubs, or other plantings.

Useable Open Space shall mean land within the development which is not covered by buildings, roads, driveways, parking areas, or service areas, or which is not set aside as private yards, private patios, or private gardens for individual residents. Such land shall be configured throughout the site so as to provide for passive and active recreational opportunities, as well as for conservation purposes.

- c. Permitted Uses: Permitted uses in the district shall be limited to those uses necessary for the care of the aged and elderly, including their health and education. Assisted living facilities and continuing care retirement communities shall also be permitted, to include units for independent living, for personal care, for skilled nursing, and for rehabilitative services.
- d. Zoning Standards and Requirements: Any land to be designated as an Institutional Development Zone shall meet the following requirements:

Minimum Lot Area:	Thirty (30) acres
Maximum Building Height:	35 feet
Maximum Building Coverage:	20%
Minimum Landscaped Area:	40%
Minimum Usable Open Space Area:	20%
Minimum Building Separation:	15 feet

Parcels utilized for non-institutional purposes shall meet the area, yard, and bulk requirements of the A-15 District.

- e. Additional Development Standards and Criteria:
  - 1. Buffer Yard: Where an institutional zone abuts a residential zone, a buffer yard of at least 35 feet shall be maintained in the ID Zone. Within this buffer yard, trees and shrubs shall be planted to give a screen of at least 15 feet deep using approved hardy indigenous plants of which at least 50 percent shall be evergreen. Fifty percent of all plantings shall be a minimum of 6 feet in height. Existing natural growth may be preserved and supplemented where practical to meet the buffer yard requirements. This buffer yard requirement may be modified or waived by the Commission when the principle use of the adjacent property is other than single family residential.

2. Landscaping: Site landscaping shall meet the requirements of Article 11.1 of these regulations.
  3. Lighting: All lighting fixtures shall be designed to be in harmony with the character of the development and provide adequate illumination. Such fixtures shall be designed to not provide direct illumination onto adjacent residential properties.
  4. Parking: The location and design of parking spaces shall be as required by Article 18.1 of these regulations. Specific parking requirements for uses within the District are as follows:
    - a. Care Facility - Non-ambulatory: 0.60 spaces per bed.
    - b. Care Facility - Ambulatory: 1.20 spaces per unit.
    - c. Residential Units, Apartments: 1.0 spaces per unit
    - d. Residential Units, Semi-Attached: 2.0 spaces per unit
    - e. Other Uses: For any use not specified herein, sufficient spaces shall be provided so as to maintain a safe environment for the movement of pedestrians, motor vehicles, and emergency vehicles.
  5. Public Utilities: Public water and public sewers shall serve all Institutional Development Zones.
- f. Application Requirements for the Establishment of an Institutional Development Zone:
1. The applicant shall submit an application for a Change of Zone in accordance with Article 4.3.
  2. The applicant shall also submit an application for a Special Permit (Master Concept Plan), and a Master Concept Plan drawn at a scale not smaller than 1 inch = 100 feet. This Plan shall show existing and proposed roads, lot layout, typical building locations, typical parking lot locations, landscaped areas, utilities, and any additional information the Commission may deem pertinent. The Master Concept Plan shall also include a statement describing the proposed use of the planned structures and facilities. The Planning and Zoning Commission shall approve, disapprove, or modify said plan.
  3. Application for a Special Permit (Master Concept Plan) shall be accompanied by an impact analysis report. This report shall document the potential impacts of the proposed development on residential neighborhoods, public utilities, municipal services, land development patterns, the economy, fiscal resources of the Town, and socioeconomic characteristics of the population.

1. Following approval by the Commission of the Special Permit (Master Concept Plan), the applicant shall submit detailed site plans for Commission approval.
  2. Such site plans shall meet the requirements of Article 13.2 and shall be in conformance with the Master Concept Plan. Significant departures from the approved Master Concept Plan shall require a new Special Permit (Master Concept Plan).
  3. Applicants shall also submit architectural renderings of any proposed building. Such buildings, in the opinion of the Commission, shall be designed to be harmonious in size, appearance, color, material, and natural setting.
  4. The Planning and Zoning Commission shall approve, disapprove, or modify said site plan. This approval shall be valid for 5 years from the date of Special Permit (Master Concept Plan) approval.
  5. Once a site plan is approved or modified, a final site construction plan shall be presented as part of the documents submitted for a building permit.
- h. Procedures for Issuance of Use Permits Within an Institutional Development Zone:
1. Use Permits shall be issued when authorized by the Planning and Zoning Commission in accordance with Section IV, Article 4.1-c. 2., as well as with the following procedures:
    - a. Use Permits may be issued by the Development Compliance Officer and the Town Planner after review and approval of the site plan and a finding that it is in compliance with the site plan as approved by the Commission.
    - b. The Development Compliance Officer and the Town Planner may issue use permits after review and approval of the site plan and a finding that, even though there is a minor variation from the approval granted by the Commission, it is in substantial compliance with the approved Special Permit (Master Concept Plan) and the approved site plan.
    - c. For a use permit to be issued under this section, the following standards must be adhered to:
      1. Proposed new construction is less than 3,000 square feet and/or two stories.

2. Proposed expansion of an existing or approved structure is less than 25% of existing or approved gross floor area, and in no case exceeds 3,000 square feet.
3. The building and/or structure are at least 125 feet from any property line.

## 5.8 ACTIVE ADULT HOUSING DISTRICT (AA)

- a. Purpose: The purpose of this section is to provide for a planned residential community for adults 55 years of age or older. The community shall be compatible with the character of any adjacent residential neighborhoods and the town as a whole.
- b. Definitions: The following definitions shall apply to this section:
  1. Active Adult Housing: An Active Adult Housing (AA) Zone is one in which the housing development fully complies with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a - 64b, as amended as it pertains to "Housing for Older Persons." This includes compliance with any and all rules promulgated by the United States Department of Housing and Urban Development which govern the implementation of such act and compliance with all rules and restrictions promulgated by the Town of Cromwell and set forth in this zoning regulation.
  2. Building Coverage: Building Coverage shall mean the percentage of the lot that is covered by the roof area of all buildings and structures on the lot.
  3. Landscaped Area: Landscaped Area shall mean an open area, a water body, a landscaped area, or naturally vegetated area maintained in natural ground cover, lawn, trees, shrubs, or other plantings.
  4. Useable Open Space: Useable Open Space shall mean land within the development which is not covered by buildings, roads, driveways, parking areas, or service areas, or which is not set aside as private yards, private patios, or private gardens for individual residents. Such land shall be configured throughout the site so as to provide for passive and active recreational opportunities, as well as for conservation purposes. Land within twenty feet of a dwelling unit shall not qualify as "useable open space".
- c. Permitted Uses:

The following uses shall be permitted as-of-right in the Active Adult Zone, subject to the issuance of proper permits:

1. Single family detached dwelling units.
2. Multiple family attached dwelling structures provided no structure contain more than 4 units.
3. Recreation facilities, community centers, parks, gardens or other accessory uses customary and incidental to any permitted use.

d. Special Permit Uses:

1. Home Occupations subject to the provisions of Section XI Article 11.4.

e. Occupancy Restrictions:

Occupancy shall be restricted as follows:

1. 100% of the occupied units shall be occupied by at least one person who is 55 years of age or older.
2. A spouse, companion or relative 18 years old of an occupant who qualifies pursuant to e.1 above.
3. A person who qualifies pursuant to e.2 above who survives his or her spouse, companion or relative or whose spouse, companion or relative has entered into a long-term care facility.
4. Remaining parties pursuant to e.3 above who remarry or co-habitant must meet all occupancy requirements.
5. Employees of the dwelling unit occupant who qualifies pursuant to e.1, e.2 or e.3 who perform substantial duties related to the care of the owner or occupant who qualifies pursuant to e.1, e.2 or e.3.

f. Lot Standards:

1. The minimum cumulative lot area of the entire community shall be ten acres.
2. Public water and public sewers shall serve all Active Adult Housing Zones.

g. Procedures for the Establishment of an Active Adult Housing Zone:

1. The applicant shall submit an application for a Change of Zone in accordance with Article 4.3.

2. Appropriateness:

In determining the appropriateness of a proposed AA Zone, the Commission shall consider the following factors:

- A. The need within the town for an additional AA Zone.
- B. Accessibility to major roads and proximity to community services.
- C. Physical characteristics of the lot.
- D. The existing municipal infrastructure's capability to support the proposed development.
- E. The Commission may consider any other factors that it deems applicable to a change of zone request.

3. Community and Home Standards:

The establishment of an AA Zone shall conform to the following standards:

- A. The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General Statutes.
- B. The purchase of a dwelling unit for the purpose of investment shall be prohibited. Nothing herein shall be deemed to prevent title to a dwelling unit from being held for estate planning purposes by a person or entity related to an occupant who meets the occupancy requirements set forth in Section d. above.

4. Special Permit (Master Concept Plan):

- A. The applicant shall also submit an application for a Special Permit (Master Concept Plan), and a Master Concept Plan drawn at a scale not smaller than 1 inch = 100 feet. This Plan shall show existing and proposed roads, lot layout, typical building locations, typical parking lot locations, landscaped areas, utilities, and any additional

information the Commission may deem pertinent. The Master Concept Plan shall also include a statement describing the proposed use of the planned structures and facilities. The Planning and Zoning Commission shall approve, disapprove, or modify said plan.

- B. The application for a Special Permit (Master Concept Plan) shall be accompanied by an impact analysis report. This report shall document the potential impacts of the proposed development on residential neighborhoods, public utilities, municipal services, land development patterns, the economy, fiscal resources of the Town, and socioeconomic characteristics of the population.

h. Procedures for Development within an Active Adult Housing Zone:

Development within an Active Adult Housing Zone shall occur as set forth below:

1. Following approval by the Commission of the Zone Change and the Special Permit (Master Concept Plan), the applicant shall submit detailed site plans for Commission approval.
2. Such site plans shall meet the requirements of Article 13.2 and shall be in conformance with the master Concept Plan. Significant departures from the approved Master Concept Plan shall require a new Special Permit (Master Concept Plan).
3. The site plan shall show the following:
  - A. The maximum number of dwelling units shall be two and one half per gross acre.
  - B. No more than 35% of the lot area shall be covered with impervious surfaces.
  - C. There shall be a minimum of 35% Usable Open Space.
  - D. Site landscaping shall meet the requirements of Section XI Article 11.1 of these regulations.
  - E. Development near the perimeter of the property shall be designed to be harmonious with neighboring land uses. A continuous buffer strip at least 35 feet deep, planted with a mixture of 50 percent evergreen and 50 percent deciduous shrubs and trees shall be provided and maintained to protect the visual appearance from the

adjacent properties and public ways. Fifty percent of all new plantings shall be a minimum of 6 feet in height. Existing natural trees and shrubs, if attractive in appearance, may be accepted as all or part of the required buffering.

- F. The minimum distance between structures shall be 20 feet.
- G. The minimum distance from a structure to a sidewalk or road shall be 20 feet.
- H. Garage space or off-street parking space for not fewer than two vehicles shall be provided for each dwelling unit. At least one of the required parking spaces shall be provided within an attached garage that shall be directly accessible from within the unit. A minimum of 25 percent of the units shall accommodate a two-car attached garage.
- I. Off-street guest parking shall be provided in the amount of one space per four units. Specifications for the layout of parking spaces shall be in accordance with the requirements set forth in Section XVIII of these regulations.
- J. There shall be sufficient street lighting. All lighting fixtures shall be designed to be in harmony with the character of the development and provide adequate illumination. Such fixtures shall be designed to not provide direct illumination onto adjacent residential properties.
- K. A walking trail system and/or sidewalks shall be provided within the community.
- L. Structures containing more than two dwelling units shall be varied substantially in plane along the building's length.
- M. Minimum living area per single family detached dwelling unit shall not be less than 1,000 sq. ft. Minimum living area per attached dwelling unit shall not be less than 750 square feet.
- N. Each dwelling unit shall contain an attic or basement for storage.
- O. The maximum building height shall be 35 feet.
- P. There shall be sufficient noise attenuation between dwelling units.

- Q. Recreational facilities, open spaces, and facilities for active and/or passive recreation shall be provided to serve the community.
  - R. Through roads which shall be public, and interior roads which may be public or private.
4. The Planning and Zoning Commission shall approve, disapprove, or modify said site plan. This approval shall be valid for 5 years from the date of Special Permit (Master Concept Plan) approval.
  5. Applicants shall also submit architectural renderings of any proposed building. Such buildings, in the opinion of the Commission, shall be designed to be harmonious in size, appearance, color, material, and natural setting.
- i. Procedures for Issuance of Building Permits and Use Permits Within an Active Adult Housing Zone:
1. Once a site plan is approved or modified, a final site construction plan shall be presented as part of the documents submitted for an individual building permit.
  2. Use Permits shall be issued when authorized by the Planning and Zoning Commission in accordance with Section IV, Article 4.1.-c.2., as well as with the following procedures:
    - A. Use Permits may be issued by the Development Compliance Officer and the Town Planner after review and approval of the site plan and a finding that it is in compliance with the site plan as approved by the Commission.
    - B. The Development Compliance Officer and the Town Planner may issue use permits after review and approval of the site plan and a finding that, even though there is a minor variation from the approval granted by the Commission, it is in substantial compliance with the approved Special Permit (Master Concept Plan) and the approved site plan.
- j. Verification: On the anniversary date of the issuance of the first Certificate of Occupancy, the community association or property manager shall verify compliance of the development with state and federal requirements as set forth in the provisions of the Housing for Older Persons Act of 1995 to the Zoning Enforcement Official, and provide assurance that the community is in compliance with the all requirements of this section and applicable law.

and equipment and the shelter of animals and fowl, but not including dwellings or buildings for human occupancy.

2. Public Utility buildings and structures.
3. Parks and recreation areas and attendant facilities: including boat ramps, docks, parking areas, picnic areas, tables, shelters and fire places, golf courses, driving ranges, tennis courts and bathing, but not including permanent buildings or structures such as club houses or dwellings or buildings for human occupancy.
4. Dikes or other structures designed to divert or obstruct the flow of flood waters.

SECTION VI

RESERVED FOR "PROHIBITED USES"

SECTION VIII - LOCATION REQUIREMENTS

1. HEIGHT, YARD AND BULK REQUIREMENTS

Zone	Minimum Lot Area	Required Frontage	Front Yard	Side Yard	Rear Yard	Max Building Coverage	Max Lot Coverage	Max Building Height	Minimum Floor Area
A-15	15,000	100	35	15	35	25	15%	35	1,000 <sup>2</sup>
A-25	25,000	130	40	20	50	50	15%	35	1,000 <sup>2</sup>
A-40	40,000	160	40	25	60	50	15%	35	1,000 <sup>2</sup>
PRD	(see Article 10.8)								
BUS <sup>3</sup>	25,000	150	35	25	50	25	25%	40	3,000
DB	12,000	70	10	10	25	20	30%	40	-
PO	87,120 <sup>4</sup>	200	60	35	70	40	25%	40	8,000
I	21,780	125	35	0 <sup>5</sup>	0 <sup>5</sup>	50	50%	40	-
IP	435,700	500	100	100	100	100	25%	40	-

IND (see Article 5.7)

WMXD (see Article 5.3)

<sup>1</sup>Except chimneys, water tanks, church steeples, signs and similar features which shall be erected only to such height as is necessary to accomplish the purpose which they serve, and then only after the issuance of a Special Permit by the Planning and Zoning Commission after public notice and hearing.

<sup>2</sup>This minimum pertains to a one-story dwelling; in a two-story dwelling a total of 1,200 square feet shall be required, of which 800 square feet shall be the minimum floor area on the ground floor above the foundation. The floor area measurements shall be taken to the outside of the walls of the main foundation.

<sup>3</sup>All uses which are permitted in the Business District and also permitted in the Industrial District must conform to the Use District Requirements of the Business District.

<sup>4</sup>Minimum lot areas in the Planned Office District shall be 2 acres; however, the average lot size of all lots within a Planned Office District shall be at least 4 acres.

<sup>5</sup>No building shall be constructed within 50 feet of a residential lot line or Residential District boundary.

## NON-CONFORMING LOTS, USES, BUILDINGS, AND/OR STRUCTURES

### SECTION IX

#### 9.1 NON-CONFORMING USES AND STRUCTURES

- a. Any building or use lawfully existing, or for which a lawful permit was issued under the provision of the Zoning Regulations in effect prior to the effective date of these regulations, may be continued subject to compliance with the following conditions:
  1. Any use of land or buildings which does not conform to the requirements specified by these regulations shall not be:
    - a. Changed to another non-conforming use without a Special Permit from the Board of Appeals, and then only to one equally, or more nearly in conformity.
    - b. Re-established for any reason after non-use longer than one year.
  2. No building housing a non-conforming use shall be:
    - a. Extended or enlarged.
    - b. Moved to another location where such use continues to be non-conforming.
    - c. Rebuilt after damage exceeding one-half of its fair sales value immediately prior to damage. Application for building permit to rebuild or restore portion damaged shall be filed within six (6) months of date of damage and work completed within 12 months or permit will be void.

The Building Inspector may at any time, however, order structural alterations or demolition necessary to restore or bring damaged properties to a safe and sanitary condition.

- b. Where a non-conforming use abuts a residential lot, no outside storage of goods, equipment or refuse shall be permitted which would tend to deteriorate the value of adjacent property by creating a nuisance because of volume, quantity, odor or fire hazard; or a traffic hazard because of interfering with adequate sight lines, or the generation of excessive traffic.
- c. A non-conforming use which is discontinued for a continuous period of one year, shall thereafter conform to use regulations of the district in which it is located.

SECTION X  
CONSERVATION SUBDIVISIONS

10.0 MORATORIUM:

- a. As of the effective date of this amendment, the Planning and Zoning Commission shall not accept, process, or take any petition for Conservation Subdivision Special Permit.
- b. The reason for this moratorium is to allow the Commission appropriate and reasonable time to complete the new Plan of Conservation and Development, which may contain recommendations related to the location and density of future commercial and residential development.
- c. This moratorium shall remain in effect for a period of two hundred and seventy (270) days or until the effect date of the new Plan of Conservation and Development, whichever comes first.

10.1. PURPOSE: The goals of these regulations are any of the following:

- a. To preserve environmentally sensitive or culturally significant land in a manner that will benefit present and future generations of Cromwell residents.
- b. To provide land for recreational use, either active or passive, which is compatible with open space preservation and which, in the opinion of the Commission, will directly or indirectly promote the general welfare of the residents of the Town of Cromwell.
- c. To promote development of land in a way which is sensitive to the natural and cultural environment, preserving important wetlands systems, farmland of local significance, and/or areas containing significant natural features such as unusual terrain, vegetation, wildlife, scenic vistas.

10.2. DEFINITIONS:

- a. Primary Conservation Area or Feature: Wetlands, floodplains, and steep slopes of 33% or greater.
- b. Secondary Conservation Area or Feature: Culturally and environmentally sensitive areas and features including wildlife habitats, land that protects critical or threatened natural communities and species as identified by the Department of Environmental Protection, mature or productive forestland, contiguous open space or connective green belts, active or inactive farmland and meadows, areas that have recreation value, scenic views, ledge outcrops, significant individual trees, and other cultural features such as historic and archeological sites.

- c. Open space to be preserved shall be subject to the approval of the Commission.
- d. It is the intention of the Commission to provide open space parcels of significant size.
- e. In general, the open space preserved under these regulations shall remain in private ownership for the exclusive use of the residents of that development. However, the Commission may require up to 20% of the proposed open space (i.e. 10% of the total parcel) be deeded to the Town for active or passive recreation use.
- f. Where property to be developed as a Conservation Subdivision abuts other residentially zoned property, the Conservation Subdivision shall be landscaped in such a manner as to provide a screen or other suitable transition to lessen the visual impact of the Conservation Subdivision, if any. The minimum width of any required landscape buffer area shall be not less than 25 feet. The Commission shall review the proposed landscape buffer as part of its Special Permit review. The landscape buffer requirement is intended to apply only at Potential Development Areas of a Conservation Subdivision, and not to any area to be preserved as open space.

#### 10.5 METHOD OF PRESERVATION

- a. The method chosen to preserve open space from future development shall be proposed by the applicant during the special permit approval process and shall be approved or rejected by the Commission at its discretion.
- b. If a proposed method of open space preservation is rejected by the Commission, the Commission may then determine an alternate method of preservation.
- c. The applicant shall indicate his preference, at the time of the special permit application, as to how the open space is to be maintained and preserved from development and shall submit a form of legal instrument designed to ensure such preservation. Methods of open space preservation acceptable to the Commission include the following:
  - 1. Held in common by a homeowners association incorporated as a not-for-profit corporation in the State of Connecticut, subject, however, to legally binding arrangements that include the recording of restrictive deed covenants, the conveying of conservation easements, or the transferring of development rights to the Town or Land Trust or other non-profit organization dedicated to the conservation of open space, that will preclude any and all future development;

b. Conservation Subdivision Special Permit.

i. Required Submissions: Before any parcel of land subject to this regulation may be developed or subdivided as a Conservation Subdivision, the applicant shall receive a Conservation Subdivision Special Permit. The application shall include the following items:

- A. A "Yield Plan" as described below. It is the intent of these Regulations that the maximum number of lots in a Conservation Subdivision be approximately the same number as could be created in a Conventional Subdivision development of that site. To determine this number, the applicant shall prepare a conventional subdivision plan (the "Yield Plan") in accordance with Article 8:1 of the Cromwell Zoning Regulations, the Road Specifications of the Town of Cromwell, and prudent and feasible engineering practices. No rear lots, shared driveways, or cul-de-sacs exceeding the maximum allowable length may be shown. The Yield Plan may show a reasonable amount of regulated wetland activity.
- B. A description of how the land to be subdivided fits into the context of the surrounding neighborhood. This description shall be presented in narrative and graphic format.
- C. A detailed description of the proposed open space, its proposed function, and the proposed method of preservation. This shall include the following:
  - i. Description of the physical characteristics of the proposed open space;
  - ii. Description of the function or functions that the proposed open space will perform (such as scenic view, active farmland, wildlife habitat, or passive recreation);
  - iii. Explanation of how the proposed open space's physical characteristics and proximity to the Potential Development Area make it conducive for the above function or functions;
  - iv. Description of other adjacent or nearby open spaces and an explanation of how the proposed open space relates to them.
- D. A series of layout plans prepared by a licensed landscape architect, representing an analytical process to identify the areas appropriate for conservation and the areas appropriate for development. These plans shall consist of the following:

2. Notice to Abutting Property Owners: The Applicant shall send written notice of the Special Permit application by Certified Mail to each abutting record owner. This notice shall contain the name, address and telephone number of the Applicant or his representative and a general description of the subdivision. Evidence of this mailing shall be submitted with the application.
3. Referral to Other Boards and Commissions: The Applicant shall submit a complete set of the layout plans described in Section 10.8.6.1.D to the Conservation Commission and to the Recreation Commission for their review and comment, no later than the date of receipt. Comments from the Conservation Commission and the Recreation Commission will be accepted by the Commission up until the close of the public hearing.
4. Decision Process: In making its decision to issue a Conservation Subdivision Special Permit, the Commission shall consider:
  - a. the validity of the Yield Plan;
  - b. the purposes enumerated in Article 10.1;
  - c. the Guidelines for Special Permit Approval enumerated in Section 13.2.c;
  - d. the nature, function, and method of preservation of the proposed open space;
  - e. the access from major streets and highways to the proposed development;
  - f. the likely impact on the location and capacity of sanitary sewers, water lines, storm and surface drainage systems, and other utilities;
  - g. the likely impact on environmental systems such as groundwater, wetlands, watercourses, and vegetative and wildlife communities; and
  - h. the presence of land characteristics that the Commission determines to be worthy of preservation including, but not limited to, areas of steep topography, significant wetland areas, areas with scenic vistas, farm lands of local significance, and the presence of or potential provision of passive or active recreational facilities compatible with open space preservation.

- c. the application form, site plans, architectural renderings (if any), and reports;
- d. access from major streets and highways to the proposed development;
- e. the existing patterns of development in the surrounding vicinity;
- f. the likely impact on the location and capacity of sanitary sewers, water lines, storm and surface drainage systems, and other utilities;
- g. the likely impact on environmental systems such as wetlands, groundwater, watercourses, and vegetative and wildlife communities; and
- h. the presence of land characteristics that the Commission shall consider favorable for open space conservation development including, but not limited to, areas of steep topography, significant wetland areas, areas with scenic vistas, farm lands of local significance, and the presence of or potential provision of passive or active recreational facilities compatible with open space preservation.

#### 10.7 PRE-APPLICATION REVIEW

- a. Applicants are encouraged to submit the items listed in Article 10.6.b.1 for review and comment by the Planning and Zoning Commission and the public at a "Pre-Application" hearing.
- b. Nothing that is said or presented at the hearing by any party shall be considered evidence and shall not be binding on the Commission in any subsequent application presented to the Commission.
- c. Applicants are encouraged to submit the items listed in Article 10.6.b.1 to the Conservation Commission and Recreation Commission for their review and comment prior to application.
- d. Applicants are encouraged to submit the "Yield Plan" to the town staff for their review and comment prior to application.

#### 10.8 SEVERABILITY

If any provision of this OSCD regulation shall be determined to be invalid or unenforceable by a court of law or some other competent authority, the invalidity or unenforceability of that provision shall not effect the validity or enforceability of any other provision of this regulation.

- c. In Business and Industrial Districts, one canopy tree shall be planted in the front yard for each 50 feet of frontage or fraction thereof.
3. Side Yard Requirements:
  - a. In Business and Industrial Districts a landscaped strip at least 5 feet wide shall be provided adjacent to each side property line.
  - b. Special Permit Uses in Residential Districts shall provide a landscaped strip at least 10 feet wide adjacent to each side property line.
  - c. Where side yards are required by this regulation, one understory or evergreen tree shall be planted for each 40 feet or fraction thereof and one shrub shall be planted for each 20 feet or fraction thereof.
4. Planting Bed Requirements:
  - a. Where lots are to be developed in Business and Industrial Districts, planting beds shall be provided adjacent to any building(s) on the lot.
  - b. The length of such planting beds shall be at least equal to 25 percent of the circumference of the building(s) on the lot.
  - c. Special Permit Uses in Residential Districts shall have planting beds the length of which shall be at least 40 percent of the circumference of any building(s) on the lot to be developed.
5. Parking Lot Requirements:
  - a. In any parking lot of 20 or more parking spaces, one canopy tree shall be planted for each 20 parking spaces.
  - b. These trees shall be planted in landscaped islands within the paved parking area.
6. Residential District Green Belt Buffer:
  - a. Where Business and Industrial Districts abut Residential Districts, a green belt buffer zone at least 50 feet in depth shall be provided and maintained by the owner of the property in the Business or Industrial District.
  - b. This area shall not be used for storage of materials or parking of vehicles.

- a. Release rate shall not exceed the rate of runoff for the same site in its undeveloped state for all intensities and durations of rainfall.
  - b. Required volume for stormwater detention shall be calculated on the basis of runoff from a 50-year frequency rainfall, as published by the National Weather Service or other recognized agency. The detention volume required shall be that necessary to handle the runoff of a 50-year frequency rainfall, for any and all durations, from the proposed development less that volume discharged during the same duration at the approved release rate as specified above.
  - c. In all cases, runoff shall be computed in accordance with *Technical Release #55*, Engineering Division, Soil Conservation Service, USDA, January, 1975, as amended.
2. The ability to retain and maximize the ground water recharge capacity is encouraged. Design of the stormwater runoff control system shall give consideration to providing ground water recharge.
  3. All on-site facilities shall be properly maintained by the owner such that they do not become nuisances.
  4. All runoff control structures located on private property shall be accessible at all times for Town inspection.

### 11.3 REAR LOTS

a. Purpose:

The purpose of this regulation is to enable the subdivision of existing lots of relatively large size which, due to their limited frontage, could not otherwise be subdivided. The intent is to minimize the length of new road construction and preserve open space or some other existing natural or cultural resource of the Town.

b. General Requirements:

Rear Lots shall be permitted in the Industrial District and any Single Family Residential District upon issuance of a Special Permit subject to the following conditions:

1. No lot shall be divided into more than two rear lots;

c. Special Requirements:

1. The public benefit of rear lots is their potential to result in a subdivision with shorter roads and preserved natural or cultural resources. Therefore, the applicant shall show how each proposed rear lot in a subdivision of three or more lots will enable one or more of the following benefits:
  - a. Allow for the preservation of some existing natural or cultural resource of the Town;
  - b. Reduce the length of a new road, new sanitary sewer service, or other municipal infrastructure;
  - c. Provide some other benefit to the community.

11.4 HOME OCCUPATIONS

Home occupations are permitted in residential zones upon issuance of a special permit in accordance with Article 13.2 and subject to renewal and other subject to renewal and other conditions outlined below. Home occupations include but are not limited to doctors, dentists, lawyers, engineers, dressmaking, millinery, handicrafts, etc. but exclude beauty parlors, barber shops, restaurants, animal hospitals, auto repair, taverns, tea rooms, etc.

- a. If objected to by a majority of the owners of property within a radius of 500 feet from the property under consideration, issuance of the permit requires approval by a two-thirds vote of the entire Commission.
- b. The Planning and Zoning Commission reserves the right to require a site plan should it be deemed necessary.
- c. Such home occupations shall not create objectionable appearance, noise, odor, smoke, illumination, vibrations, radio or television interference or any other objectionable condition which might have a deleterious effect on the neighborhood.
- d. The Permit, if granted, shall not become a vested right in the premises and cannot be transferred or assigned to other persons.
- e. If use is one of instruction or classes, etc. there shall not be more than two students at one time, including spectators.
- f. There shall be no outside display of goods or advertising except for an announcement sign of not more than two (2) square feet in area and there shall be no external evidence of the operation of the home occupation so as to change the

6. No new exterior stairways shall be located fronting any street.
  7. The residential character of the building after conversion must be maintained.
  8. Off street parking or garage space shall be provided for a minimum of one (1) vehicle per dwelling unit.
  9. If the structure is not serviced by public water and sewer, a certification of approval from the health office, attesting to the adequacy of the well and/or septic system to support the proposed use shall be required.
- b. Existing buildings may be converted to more than two family dwellings subject to issuance of a Special Permit by the Commission. Such conversion, shall comply with the items enumerated in Article 11.5. In determining whether to issue a special permit for such conversion, the Commission shall consider the impact of such conversion on existing characteristics of the neighborhood, traffic patterns, utility capacity and open space needs, in addition to the requirements of Article 20.3.

#### 11.6 PUBLIC GARAGES AND FILLING STATIONS

- a. Except with the permission of the Board of Appeals, after the granting of a Special Permit by the Zoning and Planning Commission, under appropriate conditions and safeguards and within the proper use district, no permit shall be issued for the erection of a public garage or filling station, or for the conversion of any premises for such purposes, if any part of a building to be so used is within 1,500 feet of a lot to be used for a similar purpose, within 400 feet, as measured along the shortest street lines, of a public park or playground excluding small park areas within the boundaries of a highway; or within 400 feet of the nearest point of any building used as a school, hospital, church, theater, public library, convalescent home, or other building for public assembly.
- b. No gasoline filling appliance shall hereafter be located within 35 feet of a street line or within 25 feet of an adjacent property line in a business district, or within 50 feet of an adjacent property line in a residence district.
- c. The use of a gasoline station shall be restricted to the retail sale of motor fuels, lubricants and other motor vehicle supplies and parts, the accessory parking and storage of motor vehicles as hereinafter limited, and minor repairs and service activities, not including body and fender work.
- d. Motor vehicles may be parked and other mechanical equipment may be stored outside if arranged in an orderly manner at all times. There shall be no outdoor storage in any residential district of discarded vehicles, equipment or dismantled

location conducting what is determined by the Planning and Zoning Commission to be a similar business.

3. In the opinion of the Commission would have an adverse impact on the health, safety, and welfare of the public or have a detrimental effect on the Town of Cromwell.
- f. Null and Void: This permit will be null and void upon written notification to the Commission from the owner revoking permission for the vendor to use the property.

#### 11.8 TAG SALES AND EXEMPTIONS

- a. Tag Sales. Tag sales shall be permitted in all zoning districts of Cromwell. There shall not be more than 2 tag sales held on any one property during the course of a calendar year. A tag sale shall not continue for more than a 48 hour period.
- b. Exemptions. The following uses are exempt from this regulation and require no prior Commission approval:
  1. Cake, Bake and Tag Sales, and Auctions conducted by charitable organizations or community groups shall be exempt from this regulation.
  2. The selling of food and non-alcoholic beverages and the parking of vehicles on private residential property within 1/2 mile of the Tournament Players Club during the operation of the Canon Greater Hartford Open golf tournament. The activity must be operated by the property owner or tenant. Persons who sell food need to obtain a Health Permit from the Cromwell Public Health Coordinator and a Vendor's Permit from the First Selectman. Owners who permit or engage in any commercial activity should review their property owner's insurance policy for liability considerations.

#### 11.9 DAY CARES/NURSERY SCHOOLS

- a. Permit Requirement. Any person providing day care in his/her own home for six or fewer children shall not be required to obtain a permit from the Commission. A Special Permit shall be required for any property at which day care is provided for seven or more children.
- b. Parking Requirements. For those properties which are required to obtain a permit to operate a day care, off street parking spaces shall be provided at a ratio of 1 space for every employee on duty, and 1 space for every 4 children based upon client capacity for the facility. In addition a turnaround space shall be provided.

1. Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of communication towers needed to serve the community;
  2. Encourage providers to co-locate their facilities on a single tower;
  3. Site facilities below visually prominent ridge lines;
  4. Minimize the location of facilities in visually sensitive areas;
  5. Encourage creative design measures to camouflage facilities;
  6. Protect historic and residential areas from potential adverse impacts of such towers;
  7. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- b. Definitions. For the purpose of applying the provisions of this section the terms below shall be defined as follows:
1. ANTENNA means a device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip antennas, panel antennas and dish antennas.
  2. CO-LOCATION means locating wireless communication facilities from more than one provider on a single site.
  3. HEIGHT OF TOWER means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevations of the property at the time of application.
  4. TOWER means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.
  5. WIRELESS TELECOMMUNICATION SERVICES means licensed wireless telecommunication services including, but not necessarily limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

- D. All accompanying equipment buildings or boxes shall be screened and fenced as approved by the Cromwell Planning and Zoning Commission as part of the Site Plan review.
- e. Uses Allowed Only by Special Permit. In addition to specific requirements listed in Sections 11.10.f.1 and 11.10.f.2, the standards provided in Section 13.2 shall also apply to applications submitted under this section.
  1. In all zoning districts, wireless telecommunication sites not otherwise permitted in Subsection 11.10.d.
- f. Site Plan Requirements. All proposals to develop a wireless telecommunication site as a permitted use or special permit use shall be subject to the site plan requirements listed in Section 13.3 of these regulations. In addition the following information shall be submitted:
  1. Permitted Use:
    - A. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
    - B. Details of all proposed antenna and mounting equipment including size and color.
    - C. Elevations of all proposed shielding and details of materials including color.
    - D. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
    - E. A report from a qualified expert indicating that the proposed wireless telecommunication site will comply with the emission standards found in Section 11.11.h.10 of this regulation. Such report shall also certify that the installation of such site will not interfere with public safety communications.
    - F. Proof that either the applicant or co-applicant holds a bona fide license from the Federal Communications Commission (FCC) to provide the telecommunication services that the proposed tower is designed to support.
    - G. A statement that the proposed tower complies with all Federal Aviation Administration airport safety requirements for both Bradley International Airport and any local airport.

of a tower mounted on a building shall be measured from the average level of the ground along all walls of the building to the tallest point on the tower including the antenna and all other appurtenances.

- B. The maximum height of any roof top mounted equipment building or box shall be 15 feet above the roof surface.
- 2. Lot Size: there is no minimum lot size requirement for wireless telecommunication sites containing a freestanding tower.
  - 3. Setbacks.
    - A. All freestanding monopole towers shall comply with the following minimum property line setbacks:
      - 1. Front Yard or Side Yard Along a Street: A distance equal to  $\frac{3}{4}$  the height of the tower or the setback required for the underlying zone, whichever is greater.
      - 2. Side or Rear Yards in residential zones: 50 feet for towers less than 60 feet in height and 100 feet for towers equal to or greater than 60 feet.
      - 3. Side or Rear Yards in nonresidential zones: 25 feet for towers less than 60 feet in height and 50 feet for towers equal to or greater than 60 feet. However, where a side or rear lot line is contiguous to a residential zone the setback for that particular yard shall be as required for such a tower in a residential zone.
    - B. All other towers in residential zones shall be located a minimum distance from any property line equal to 125 percent of the proposed tower height or 200' feet whichever is greater.
    - C. All other towers in nonresidential zones shall be located a minimum distance from any property line of at least 100 feet or a distance equal to the height of the tower, whichever is greater.
    - D. All equipment buildings/boxes or equipment areas which are each 50 square feet or greater in area shall comply with the minimum property line setbacks for a principal building in the underlying zone.
    - E. All equipment buildings/boxes or equipment areas which are each less than 50 square feet in area shall comply with the following minimum property line setbacks:

10. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
  11. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
  12. All generators installed in conjunction with any wireless telecommunication site shall comply with all State and local noise regulations.
  13. All proposed towers shall be designed and constructed to the standards of the Connecticut State Building Code and the American National Standards Institutes, ANSI/EIA-222-B manual, as amended.
- i. Factors Upon Which Special Permit Decisions of the Commission Shall Be Based:  
In passing upon applications for wireless telecommunication sites, the Commission, in addition to the standards found in 2.7, shall also find:
1. In the case where a wireless telecommunication site is proposed to be located on, or within 1,000 feet of, a property designated on the National Historic Register that such proposal will preserve the historic and/or architectural character of the landscape or any structure.
  2. In the case where an application for the proposed location of a wireless telecommunication site is not a preference 1 through 3 location as listed in Subsection 11.11.c, that the applicant has adequately described the efforts and measures taken to pursue those preferences and why a higher preference location was not technologically, legally or economically feasible. The supplied documentation should evaluate the following factors:
    - A. The planned equipment would cause unacceptable interference with the operation of other existing or planned equipment on an existing or approved tower as documented by a qualified licensed engineer and that the interference cannot be prevented or eliminated at a reasonable cost.
    - B. The planned equipment cannot be accommodated on existing or approved towers due to structural deficiencies as documented by a qualified expert and that such deficiencies cannot be eliminated at a reasonable cost.
    - C. The existing or planned equipment on an existing or approved tower would cause unacceptable interference with the equipment proposed by

defined as the installation of a permanent building foundation. The Commission may grant up to two six-month extensions of the period to start construction upon written request by the applicant. The Commission shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such special permit, site plan, inland wetlands or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Commission may as a condition of approval of a special permit establish a time period such special permit shall remain in effect.

#### 11.12 SELF-SERVICE STORAGE FACILITIES

- a. Purpose. The intent of this regulation is to provide for the establishment of self-service storage facilities within certain zoning districts in the Town of Cromwell while minimizing the adverse visual and operational effects of self-service storage facilities through careful design, siting and screening.
- b. Definitions. For the purpose of applying the provisions of this section the terms below shall be defined as follows:
  1. **SELF-SERVICE STORAGE FACILITY** means any real property designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes.
  2. **OWNER** means the owner or operator of a self-service storage facility, his agent, or any other person authorized by him to manage the facility or to receive rent from an occupant under a rental agreement.
  3. **OCCUPANT** means a person entitled to the use of a storage unit at a self-service storage facility under a rental agreement, to the exclusion of others.
- c. Special Permit. Self-service storage facilities shall be permitted in the Industrial District and Business District only, upon issuance of a Special Permit as provided for under Section 13.2 ("Special Permits"). In addition to general requirements listed below, the standards provided in Section 13.2 ("Special Permits") shall also apply to applications submitted under this section.
- d. General Requirements.

than 200 feet from the property line. Such compliance may be achieved through the use of earthen and/or vegetative buffers.

4. Exterior wall surfaces shall be finished in neutral or soft pastel colors to minimize negative visual impacts on the environment.

f. Height, Yard and Bulk Requirements. All proposals to develop a self-service storage facility shall be subject to the height, yard and bulk requirements contained in Section 8.1 except as indicated below:

1. Height: Maximum building height shall not exceed twenty (20) feet.
2. Building Coverage: Maximum building coverage in the Industrial District shall not exceed 50%. Maximum building coverage in the Business District shall not exceed 40%; however, the maximum may be increased to 50% by the Commission if warranted by excellence in building design or proposed or existing landscaping.

g. Parking Requirements.

1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Required parking spaces may not be rented as, or used for, vehicular storage.
2. One parking space for every fifty (50) storage cubicles or fraction thereof shall be located adjacent to the facility's office. A minimum of two (2) such spaces shall be provided.

h. Prohibited Uses. Examples of prohibited activities include but are not limited to the following:

1. Auctions (other than by the operator per Sec. 42-164 of the Connecticut General Statutes), commercial wholesale or retail sales or miscellaneous or garage sales;
2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment;
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment;
4. The establishment of a transfer and storage business;

SECTION XII  
SPECIAL FLOOD HAZARD AREA REGULATIONS

12.1 SPECIAL FLOOD HAZARD AREA REGULATIONS

a. Purpose. It is the purpose of this regulation to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which has increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

b. Objectives. The objectives of this regulation are:

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 damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
5. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
6. To insure that potential home buyers are notified that property is in a flood area.

9. **Manufactured Home:** A structure that is transportable in one or more sections, 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, park trailers, or travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. When located on a lot, a manufactured home shall be considered to be a residence and subject to all of the regulations prescribed for the zoning district in which it is located.
10. **Manufactured Home Park or Subdivision:** A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
11. **New Construction:** Structures for which the "start of construction commenced on or after the effective date of this ordinance (not the revision date).
12. **Special Flood Hazard Area:** An area shown as an overlay on the Zoning Map of the Town of Cromwell which contains the land in the flood plain within the town subject to a one percent or greater chance of flooding in any given year. The Special Flood Hazard Area includes all Flood Insurance Zones A and A1-A30 as designated on the Flood Insurance Rate Maps.
13. **Start of Construction:** Includes substantial improvements, 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.
14. **Structure:** A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure. Parking lots, access roads, water supply wells and associated piping shall not be considered "structures" for the purpose of this Section.
15. **Substantial Improvement:** Any combination of repairs, re-construction, alteration, or improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, as determined by the cost

6. When base flood elevation data or floodway data have not been provided, the Public Works Director shall obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source in order to administer Sections F., G. and H. of these regulations.
7. The Public Works Director shall record and maintain the following: a) the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, b) the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, c) certification as to floodway heights and d) any and all certifications required under Section 10 of these regulations.
8. The Public Works Director shall make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
9. Any activity which requires incremental filling of the Special Flood Hazard Area, where incremental fill shall mean fill, including any material or structure, which would have the effect of displacing water or the flood storage capacity of the property, shall be submitted to the Commission for its review and approval. The Commission shall refer location for such an activity to the Cromwell Inland Wetlands and Watercourses Agency for its review and comment before rendering a decision.

F. General Standards

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 new construction and substantial improvements shall be constructed with materials resistant to flood damage.
3. All new construction and substantial improvements to structures shall be constructed to ensure that electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall: a) be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; b) 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 the subsection. Such certification shall be provided to the Zoning Enforcement Officer.

3. Any construction of industrial facilities using, producing or storing hazardous or toxic substances (chemical factories, oil storage tanks, etc.) shall be allowed only if such facilities are protected from the occurrence of the 500-year flood. A licensed professional engineer must show proof that such protection has been provided.
4. All manufactured homes (including "mobile" homes placed on a site for 180 consecutive days or longer) to be placed or substantially improved shall be a) elevated so that the lowest floor is above the base flood elevation AND b) 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.
5. 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:
  - (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. When utilizing data other than that provided by the Federal Emergency Management Agency, a regulatory floodway must be adopted which is designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.
  - (b) Structures, as defined within this Section, shall be prohibited within the floodway.

SECTION XIII  
USE PERMITS, SPECIAL PERMITS, AND  
SITE DEVELOPMENT PLAN APPROVAL REQUIREMENTS

13.1 USE PERMITS

- a. General Considerations. The Planning and Zoning Commission may, upon application, authorize the issuance of Use Permits for specific uses within these regulations. Anyone wishing to operate a commercial activity of any type in any zone must first obtain a Use Permit.
- b. Use Permits. Use Permits for activities that are clearly listed in these regulations may be authorized by the Planning and Zoning Commission, or by the Development Compliance Officer and the Town Planner, after the application has been reviewed for compliance with the Zoning Regulations. Requests for Use Permits for activities which involve new construction, modification to an existing building or site, change in existing hours of operation, increase in parking or traffic, or other uses subject to conditions shall be decided by the Commission. The Development Compliance Officer shall present to the Commission on a monthly basis a list of Use Permits authorized by the staff during the preceding month.

13.2 SPECIAL PERMITS

- a. General Considerations. The Planning and Zoning Commission may, upon application, authorize the issuance of Special Permits where required for specific uses within these regulations. Anyone wishing to conduct a Special Permit activity of any type in any zone must first obtain a Special Permit.
- b. Special Permits. Special Permits may be authorized by the Planning and Zoning Commission following a Public Hearing on the application, and after the application has been reviewed by the Commission for compliance with the Zoning Regulations. In making its decision the Commission shall take into consideration the public health, safety, welfare, convenience and property values, and shall prescribe appropriate conditions and safeguards to accomplish the following objectives:
  1. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.
  2. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the district in which it is proposed to be situated and will not be detrimental to the appropriate development of nearby properties.
  3. That the location and size of the proposed use, the nature and intensity of operations involved in or conducted in connection with the proposed use, its site layout and its relation to access streets shall be such that the proposed use

will not be hazardous, inconvenient, or detrimental to pedestrian and vehicular traffic to and from the vicinity of the use, and will not conflict with the traffic characteristics of the neighborhood. If the proposed use may have a significant impact on traffic volume or traffic safety, the applicant will be required to submit a traffic study. If the Commission deems that a peer review of that traffic study or a traffic study voluntarily submitted by the applicant is warranted, the applicant will be required to pay the cost of that peer review.

4. That the location and size of the proposed use, the nature and intensity of operations involved or conducted in connection with the proposed use, its site layout and its relation to access streets shall be such that the proposed use will not be hazardous, inconvenient, or detrimental to the character of the district.
  5. That the location and height of buildings, the location, nature and height of wall and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and building or impair the value thereof.
  6. That the nature of such use shall not generate offensive or excessive quantities of noise, illumination, smoke, odors, or any other form of annoyance as determined by the Planning and Zoning Commission that may travel beyond the property boundaries. The applicant may be required to submit detailed information on any of these potential annoyances. If the Commission deems that a peer review of such information or other information voluntarily submitted by the applicant is warranted, or if the Commission deems that independent testing is warranted, the applicant will be required to pay the cost of that peer review or independent testing.
- c. Guidelines for Special Permit Approval. In making its decision the Commission shall consider the application form, site plans, architectural renderings, reports, or other information submitted in connection with an application for a Special Permit, and may consider and comment on each of the following guidelines:
1. Compatibility with the Plan of Conservation and Development: That the proposed use is in harmony with the Cromwell Plan of Conservation and Development.
  2. Compliance with the Objectives of Article 13.2.b of this Section: That the proposed use will be in harmony with the objectives of Article 13.2.b of the Zoning Regulations.
  3. Landscaping and Screening: That all parking, service, and storage areas are reasonably landscaped and that the general landscaping of the site shall be

designed to enhance as well as protect the character of the area as a whole, and provide an adequate combination of grade separation, screening, landscaping, and distance from abutting uses, during all seasons of the year.

4. **Parking and Loading:** That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use, and that the interior circulation system is adequate to provide safe accessibility to all off-street parking.
  5. **Traffic Access and Movement:** All proposed parking spaces and traffic access ways are to be adequate, but not excessive in number; shall be of adequate width, grade, alignment and visibility; shall be an adequate distance from street corners or other places of public assembly; and any other considerations as deemed appropriate. In addition, the proposed use shall not impair the movement of through traffic along the adjoining thoroughfares through congestion and reduction of street capacities or through storage or back up of vehicles in the public right-of-way while awaiting service on the subject site.
  6. Any factors relevant to the site or specific use proposed may be considered.
- d. **Sign Posting:** On any parcel proposed for a Special Permit, the applicant shall post a sign or signs announcing the scheduled public hearing. The sign or signs shall be not less than sixteen square feet in size and shall contain the name of the applicant, the application file number, and the date, time, and location of the public hearing in letters that are not less than four inches high and can be seen clearly from the street. One sign shall be posted on every side of the property that has frontage on a town road, and shall be placed not more than five (5) feet from the edge of the property. The sign shall be two-sided and its face shall be perpendicular to the street. The sign shall be in place continuously for not less than ten days prior to the public hearing and shall remain in place throughout the public hearing. If the public hearing is continued, the sign shall be revised to state the date of the continued public hearing.
- e. **Non-Compliance with Special Permit:** Failure to strictly comply with the documents, plans, terms, conditions and/or safeguards approved by the Planning and Zoning Commission as a part of the Special Permit shall be a violation of these Regulations. The Development Compliance Officer shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time period, the Commission, may, following a duly advertised public hearing, rescind and revoke such Special Permit.

### 13.3 SITE DEVELOPMENT PLAN APPROVAL REQUIREMENTS

#### a. General Considerations.

1. All significant alterations or new construction at any site other than that of a single-family residence shall require Site Development Plan Approval by the Planning and Zoning Commission prior to the issuance of any building permit. "Significant alterations" shall mean alterations or additions equal to 10% or more of the square footage of the existing building, or whose estimated construction cost is equal to 10% or more of the assessed value of the existing building, or any change to the parking lot, access to the parking lot, or traffic circulation design.

2. Site Development Plan Approval shall not be granted for any site plan that fails to comply with all of the requirements of this section, as well as any other sections of these regulations that may pertain to the specific use of the proposed development.

3. No Building Permit shall be issued for any construction subject to this section until the endorsed Site Development Plan has been filed by the applicant in the Town of Cromwell land records.

#### b. Application. A complete application for Site Development Plan Approval shall consist of the following items. Incomplete applications will not be reviewed by the staff, nor will they be placed on the Commission meeting agenda for action other than to be denied without prejudice.

1. A completed application form.
2. A narrative description of the intended activity or use for the site.
3. Architectural renderings of all proposed structures, and any building plans and elevations as the Commission may require to verify compliance with the objectives and standards of the district;
4. Twenty-five (25) copies of the below-described plan prepared by a licensed surveyor or professional engineer. Such plan shall be drawn at a scale where one (1) inch represents no more than 40 feet on sheets 24 inches wide by 36 inches long. Fifteen (15) copies of this plan shall be in a reduced size format (11" x 17").

Site Development Plans shall indicate the following except where the Commission has determined that modification of the Site Development Plan requirements will not impair the purpose and intent of the regulations:

- A. The subject parcel and adjacent properties (including structures and driveways) within 100 feet of the lot lines of the subject parcel;
- B. A key map at a suitable scale to show the subject parcel in relation to the surrounding area.
- C. Title of development, date; north point, scale, name and address of record owner, name and professional seal of engineer, architect, or land surveyor preparing Site Development Plan.
- D. Location and use of all existing and proposed structures and outdoor signs.
- E. Location of all uses not requiring a structure.
- F. Location and width of roads, driveways, loading areas and parking areas with the number of stalls provided therewith.
- G. Sidewalks in the street right-of-way along the front of any lot with frontage on any "state road", "urban minor artery", or "urban collector" road as identified by the Midstate Regional Planning Agency 1994 Regional Transportation Plan. Such sidewalks shall conform to Town of Cromwell Sidewalk Specifications as described in "Road Specifications Town of Cromwell, Connecticut" dated December 1988 as amended.
- H. Existing and proposed utilities plan.
- I. A landscaping plan that conforms to the requirements of Article 11.1.
- J. Where the applicant wishes to develop in stages, a Site Plan indicating initial development and each additional development stage shall be presented for approval.
- K. The existing and proposed contours of the land.
- L. A statement of proposed method of sanitary waste disposal and source of potable water supply.
- M. The type and location of any exterior lighting, including provisions for shading.
- N. Location of existing water courses wetland areas, marshes, wooded area, and Special Flood Hazard Areas including the boundaries of the Floodway

the 100-year flood, and the 500-year flood. If there are no wetlands present the plan shall include a statement to this effect.

- O. Proposed storm water drainage system.
  - P. Base Flood Elevation Data.
  - Q. A Soil Erosion and Sediment Control Plan that conforms to the requirements of Article 16.2.
  - R. A Stormwater Runoff Control Plan that conforms to Article 11.2.
  - S. Location of dumpsters, bins or other facilities for storage of solid wastes and any materials required to be recycled in accordance with P.A. 87-544 or any other state or local law or regulation. The Commission may require any such facilities to be screened, buffered or enclosed.
  - T. Certification that the plan is based on a survey that complies with the A-2 Class of Horizontal Accuracy.
5. If the Site Development Plan involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, a copy of the Cromwell Inland Wetlands and Watercourses Agency's report with its final decision.
6. If the Site Development Plan involves an activity that may have a significant impact on public health, safety, or welfare, including but not limited to pollution or traffic, the applicant will be required to submit additional information addressing that impact. If the Commission deems that a peer review of that information or other information voluntarily submitted by the applicant is warranted, or if the Commission deems that independent testing is warranted, the applicant will be required to pay the cost of that peer review or independent testing.
- c. Final Endorsement of Site Development Plans. Any Final Site Development Plan submitted to the Commission for endorsement and recording shall be clearly and legibly drawn on transparent cloth or other equally suitably stable and reproducible medium, with black waterproof ink produced by one of the following processes: wash-off photographic polyester film, fixed line photographic polyester film, or original ink drawing on polyester film or linen. It shall bear a 1"x2" stamp in indelible red ink identifying the production process used. The Final Site Development Plan shall be at a scale of 1" = 40' or larger if deemed necessary by the Commission.

- d. Final Site Development Plans shall also be submitted in a digital format as prescribed by the Public Works Department.
- e. Upon completion of the project, the applicant shall file an "as-built" survey with the Town Clerk. All items shown on the approved Final Site Development Plan (such as traffic control measures, landscaping, grading, parking, and underground drainage and utilities) should be shown on the as-built survey. Copies of the "as-built" survey shall also be submitted to the Town Engineer, the Development Compliance Officer, and the Town Planner for their compliance review.
- f. Any improvement shown on the Final Site Development Plan but not shown on the as-built survey must be bonded before a certificate of zoning compliance will be issued. Such bond shall be in cash or letter of credit, in an amount to be determined by the Commission or the Development Compliance Officer.

## SECTION XIV - ALCOHOLIC LIQUOR

### 14.1 ALCOHOLIC BEVERAGES

- a. The sale of alcoholic beverages to be consumed on the premises or off the premises is permitted in Business Districts only, with the exception of private recreational facilities located in non-residential zones which by Special Permit may serve beer, wine and liquor in conjunction with a contained sitdown food service operation.
- b. No building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended, designed, or used for the sale of alcoholic beverages where:
  1. A retail outlet for consumption of alcoholic beverages off the premises is located within 1,500 feet (measured as indicated above) of another outlet selling alcoholic beverages to be consumed off the premises.
  2. A cafe, tavern or similar outlet for consumption of alcoholic beverages on the premises is located within 1,000 feet (measured as indicated above) of another cafe, tavern or similar outlet for consumption of alcoholic beverages on the premises.
  3. For consumption of alcoholic beverages on the premises of a hotel or bowling establishment the distance prohibition is 500 feet (measured as indicated above). In order to qualify for this designation a hotel must meet the definition requirements of these regulations and hold a hotel permit under Section 30-21, Title 30 of the Connecticut General Statutes. In order to qualify for this designation a bowling establishment must meet the definition requirement of Section 30-37c of the Connecticut General Statutes, must have direct interior access to the alcohol sales area, and must contain and maintain a minimum of 24 operating lanes at all times. No restaurant or cafe may violate Section 30-6-B28 of the Connecticut General Statutes.
  4. For restaurants, there shall be no distance restrictions whatsoever. A restaurant must meet the definition of a restaurant under the Liquor Control Act, Title 30, Connecticut General Statutes and hold a restaurant permit under Section 30-22, Title 30 of the Connecticut General Statutes.
  5. Within 500 feet of any part of any lot or plot used or reserved to be used for the purpose of a public school, a church, a charitable institution (whether supported by public or private funds) a hospital or library, as measured from the principal front door of the proposed use.

SECTION XV  
EXCAVATION AND FILLING OF EARTH PRODUCTS

15.1 FILLING

- a. For the purpose of this Article, "filling" shall mean the introduction of any fill material and/or topsoil to a parcel. The redistribution of topsoil within a parcel shall not constitute "filling".
- b. Filling of property is permitted in accordance with an approved building permit, an approved subdivision plan, or a site plan approved by the Commission.
- c. Filling is also permitted when such filling is incidental to an existing structural use on a property as long as such filling does not exceed 100 cubic yards.
- d. Persons proposing to deposit in excess of 100 cubic yards but not more than 500 cubic yards of fill shall apply for a Use Permit from the Planning and Zoning Commission.
- e. Filling of property in excess of 500 cubic yards may be permitted in all use districts upon the granting of a Special Permit by the Planning and Zoning Commission. Application for such a permit shall be made by the owner of the property or his authorized agent.
- f. Any application pursuant to Paragraph d or e above shall be accompanied by a plan which shows:
  1. The location and boundaries of the affected properties, a key map showing the property's general location in town, and names of abutting property owners;
  2. Existing and proposed contours at 2-foot intervals, an estimate of the amount of material to be deposited on the property, and a description of the type of material to be deposited;
  3. A stormwater runoff control plan prepared in accordance with Article 11.2, if applicable;
  4. An erosion and sedimentation control plan prepared in accordance with Article 16.2 that includes a narrative description of the methods of erosion control to be used and their installation;
  5. A plan for stabilization and final seeding of the affected area once filling is completed.

b. Mining:

1. Mining is permitted in certain nonresidential zoned districts only, subject to a Special Permit issued in accordance with this Article and Article 13.2 of the Cromwell Zoning Regulations. Mining is expressly prohibited in residential zone districts.
2. No Special Permit approved pursuant to this Article shall be issued by the Commission for a period exceeding two (2) years, but upon application, the permit may be renewed by the Commission for additional two year periods.
3. No mining shall take place within 50 feet of any property line or of a street line if below the established grade of the street.
4. When mining operations are completed, the excavated area shall be graded so that slopes in disturbed area shall be no steeper than 1:3 (vertical-horizontal) except for an exposed rock surface. A layer of topsoil shall be spread over the excavated area, except exposed rock surfaces, to a minimum depth of two inches in accordance with the approved final grading plan. The area shall then be seeded with suitable grass mixture containing at least 50% permanent grasses and maintained until the area is stabilized and approved by the Commission.
5. Before a Special Permit is issued, the applicant shall post a letter of credit performance bond in form and amount satisfactory to the Commission.
6. Removal of earth material in phases may be required by the Commission at its discretion. If phases are required by the Commission, grading plans for each phase shall be submitted.
7. To encourage the completion of sections of the operation and to prevent erosion, and in order to promote the rapid return of the land to its natural state, the Commission may reduce the bond requirements as portions of the work are completed in accordance with the foregoing provisions.
8. If the activity is abandoned for 12 months, or if no substantial activity takes place within 12 months after granting of the Special Permit, the Special Permit will be automatically revoked.

c. Incidental Removal:

1. The removal of less than three times the foundation area of earth material in accordance with an approved plot plan, approved subdivision, or approved site development plan is permitted in any zone. The use of screeners and rock crushers in connection with such activities is prohibited in residentially zoned districts.

- D. No buildings except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Commission.
  - E. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
  - F. During the period of excavation and removal, barricades or fences shall be erected as are deemed necessary by the Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted on any face and at no time shall slopes in excess of 1:3 (vertical-horizontal) be present on any soil face except the face where active excavation is being carried on.
  - G. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
  - H. That proper measures will be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stock piling of excavated materials upon the site.
  - I. Such other appropriate safeguards as the Commission deems necessary.
3. In considering an application the Commission shall consider the effect upon the premises and upon the surrounding premises; upon property values, health and any effect upon the future use of the premises involved. The Commission shall also consider the guidelines for Special Permit approval enumerated in Article 13.2c including traffic related to the construction phase.
  4. The application shall contain full information regarding the above conditions plus such other information as the Commission may require.
  5. Failure to comply with the plans and conditions as approved and any deviation therefrom shall be a violation and the Commission may revoke the Special Permit.

ARTICLE XVI  
EROSION AND SEDIMENTATION CONTROLS

16.1 EROSION AND SEDIMENT-CONTROL DURING THE BUILDING PERMIT APPROVAL PROCESS

a. Purpose: To ensure that erosion and sedimentation resulting from new construction are kept to a minimum, any application for a building permit which involves disturbing the site shall be accompanied by a plan showing erosion and sediment control measures.

b. Definitions:

1. "Certify" means approval by the Development Compliance Officer that an erosion and sediment control plan complies with the requirements of these regulations.
2. "Disturbed Area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
3. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
4. "Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and is presented in mapped and narrative form.
5. "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.

c. Erosion and Sediment Control Plan Requirements: The applicant shall describe, in mapped and narrative form, the measures to be taken to control erosion and sediment both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards of the *Connecticut Guidelines for Erosion and Sediment Control (2002)* as amended.

1. The narrative portion shall contain the following:

A. A description of the development project.

B. Time Schedule for all construction activities indicating the anticipated start and completion dates of the development, including

by the Development Compliance Officer in consultation with the Town Engineer, but shall be not less than \$500. If in the opinion of the Development Compliance Officer the control measures have not been installed or maintained in conformance with the certified plan the property owner will be so notified by fax or registered mail. If the problem as described in that notice is not rectified within twenty-four hours of delivery, the Development Compliance Officer may take steps to correct the problem using funds from the posted cash bond.

## 16.2 EROSION AND SEDIMENT CONTROL DURING THE SITE DEVELOPMENT PLAN APPROVAL PROCESS

- a. An erosion and sediment control plan that adequately addresses the standards established in the "Connecticut Guidelines for Soil Erosion and Sediment Control" prepared by the Connecticut Council on Soil and Water Conservation (2002), as amended, shall be submitted as part of the site development plan submitted in accordance with Article 13.3 of the Zoning Regulations.
- b. Such control plan may be referred to the Connecticut River Coastal Conservation District for its technical review and advisory opinion.
- c. The control plan shall consist of the following:
  1. A narrative that describes:
    - A. The proposed project;
    - B. The sequence and schedule for grading and construction activities including start and completion dates, installation and/or application of erosion and sediment control measures, and final stabilization of the project site;
    - C. The design criteria, construction details, installation and/or application procedures, and operation and maintenance program for proposed soil erosion and sediment control measures.
  2. A map at the same scale as the site development plan that shows:
    - A. The location of the proposed project and adjacent properties;
    - B. The existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
    - C. The location of and design details for all proposed soil erosion and sediment control measures;

## SECTION XVII - AQUIFER PROTECTION REGULATIONS

### 17.1 AQUIFER PROTECTION ZONE REGULATIONS

- a. Purpose: The purpose of these regulations is to protect the Town of Cromwell's water supply source by minimizing the risk of contamination from industrial, commercial, agricultural, and residential sources.
- b. Zone Designation:
  1. The Aquifer Protection Zone shall be superimposed on existing use districts. The provisions of this zone shall be in addition to all other requirements of the existing use districts. In the event of conflict between any provision of this ordinance and any other regulation, the more restrictive requirement shall apply.
  2. The Aquifer Protection Zone shall coincide with that section of town identified as a primary and secondary recharge area for the Gardiner Well Field as delineated in the study "Application of a Groundwater Drawdown Model," June 1982 prepared by Philip W. Genovese & Associates, Inc. and Goldberg-Zomo & Associates, Inc. for Midstate Regional Planning Agency.
- c. Permitted Uses: All uses which are permitted in the existing zones are also permitted in the Aquifer Protection Zone with the exception of those uses identified under Special Requirements.
- d. Special Requirements:
  1. Where single family dwellings relying on on-site septic systems for the disposal of wastewater discharges are located within the Aquifer Protection Zone, no more than one such single family dwelling shall be permitted per acre.
  2. The following uses are prohibited:
    - a. Road salt storage and loading areas
    - b. Solid waste disposal sites
    - c. Septage disposal lagoons
    - d. Any industrial, commercial, or other use which, by its nature, handles, stores, produces, or otherwise generates more than 100 kilograms per month of any substance identified as a hazardous

SECTION XVIII  
OFF-STREET PARKING AND TRUCKLOADING

18.1 AUTOMOBILE PARKING SPACE. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after effective date of these regulations, is erected, enlarged, moved or altered for use for any of the following purposes.

a. General Requirements

1. All parking spaces provided pursuant to this section shall be on the same lot with the building except that the Commission may permit the parking space to be on any lot within 500 feet radius of the building, if it determines that it is impractical to provide parking on the same lot with the building.
2. Parking areas shall be paved with a dustless surface and shall have bumper and wheel guards where needed and shall be adequately graded and drained.
3. Auditoriums, theaters, bowling alleys, night clubs and other similar uses and activities, carrying on the major portion of their business during the evening hours, may provide 50% of the required parking space, as specified above, through use of parking space provided for uses and buildings carrying on the major portion of their business during daytime hours.
4. Every hospital, institution, hotel, retail store, office building, wholesale house, or industrial building, hereafter erected or established shall have on the premises one permanently maintained loading space of not less than ten (10) feet in width, 30 feet in length, and 14 feet in height and such additional space as in the opinion of the Zoning and Planning Commission is deemed adequate to meet the needs of the location and use of the property.
5. Any illumination of the parking area shall be so arranged that the light is reflected away from adjoining premises.

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6. In any parking lot of 20 or more parking spaces, one canopy tree shall be planted for each 20 parking spaces. These trees shall be planted in landscaped islands within the paved parking area.
7. For parking lots of 50 or more spaces intended for long-term employee parking, up to twenty percent of the parking spaces may be designated for compact cars. Such spaces shall be located in a contiguous manner and marked by above grade signs.

- B. For retail uses that involve a large amount of floor area not normally accessed by the public (as determined by the Planning and Zoning Commission), the parking requirement shall be 2/3 of the amount required under Article 18.1.b.7.A.
8. Office Building. At least one parking space per 200 square feet of floor area.
  9. Industrial or manufacturing establishment. At least one parking space for each four (4) employees.
  10. Other uses. For any use not specified herein, sufficient parking spaces shall be provided so as to maintain the purpose and intent of these regulations.
- c. Design Standards
1. A parking space shall not be less than 9 feet wide by 18.5 feet long.
  2. A parking space specifically designed as being for compact cars shall not be less than 8 feet wide by 17 feet long. Spaces to be set aside for compact cars shall be identified on the site plan and they shall be physically separated from the normal size parking spaces and identified by above grade signs.
  3. Parking spaces shall be aligned at 90° angles with the traveled way.
  4. The minimum width for traffic aisles between opposite parking spaces shall be 24 feet.

## 18.2. RESIDENTIAL USE DISTRICTS

- a. Garaging Facilities: The total combined garage facilities in connection with a single-family dwelling may not exceed 1,000 square feet in area except as follows. By Special Permit, total combined garage facilities on a conforming lot in an A-25 or A-40 zone may exceed 1,000 square feet but shall not exceed 1,600 square feet. An application for a Special Permit shall include a site plan showing existing and proposed screening (buildings, trees, and shrubbery) which in the Commission's judgment will adequately screen the proposed garage facilities.
- b. Unregistered Vehicle: One unregistered motor vehicle in good condition may be parked on a lot outside of a garage and such parking shall be restricted to the rear yard of such lot. "Good condition" is defined as having fully inflated tires, all doors, including the hood and trunk, intact and with no broken or missing windows.
- c. Commercial Vehicles:
  1. One commercial vehicle not exceeding 11,000 pounds gross vehicle weight and a cargo area not exceeding 200 cubic feet may be parked or garaged on a lot.

- A. Proximity to adjacent lots and buildings;
- B. The size, intended use, and hours of operation of the trailer(s) in question;
- C. Other trailers and vehicles on the property;
- D. Character of the neighborhood.

18.3 FARM EXEMPTION - The provisions of this Section do not apply to vehicles, trailers, or construction equipment used on a farm as defined in the Zoning Regulations.

- i. Special Event Signs: By permit issued by the Development Compliance Officer for the purpose of a grand opening or other special event. This permit would allow relief from Paragraphs 19.3.b, 19.4.d, and 19.4.e for not more than 14 days before the event, and must be removed within one (1) day after the event.

## 19.2 SIGNS IN RESIDENTIAL USE DISTRICTS

- a. The following signs are permitted as an accessory use in all residential districts:
  1. One non-illuminated sign not exceeding four (4) square feet in area giving the name of the land or building on which displayed, the name of the owner or lessees thereof, or information of historical interest.
  2. One temporary non-illuminated sign not exceeding eight (8) square feet in area pertaining only to the sale or lease of land or the building upon which it is displayed. A permit is not required for this type of sign.
  3. Official traffic signs. A permit is not required.
  4. A non-illuminated professional or name sign not exceeding two (2) square feet in area indicating the name, profession or activity of the occupant of the dwelling, provided not more than one such sign shall be erected for each permitted use. Signs at medical doctor's properties may be illuminated.
  5. The non-illuminated name of a farm and proprietors thereof may be attached or painted on the wall of an accessory building if the building is located at least 50 feet from the public highway, and if the total area of the sign is limited to two (2) square feet for every running foot of wall on which it is displayed.
  6. No trespassing signs or signs indicating the private nature of a driveway or premises, provided that the size of any such sign shall not exceed two (2) square feet in total area. A permit is not required.
  7. One bulletin board or sign on church or institutional property not exceeding 16 square feet in total area. One bulletin board or sign on town or school property not exceeding 48 square feet in total area.
  8. Signs for not over a six-month period advertising a real estate development, if limited to a total area of 32 square feet.

2. Where a common building with more than one tenant wishes to use a free-standing sign as a directory for all tenants, the total allowable signage shall be determined by the following schedule (not to exceed 200 sq.ft.). Note: the directory sign is in addition to the free-standing signs provided for under 19.3.e.1.

Shopping center name:	50 sq.ft. max.
Major tenants (determined by landlord)	15 sq.ft. each max.
Non-major tenants:	6 sq.ft. each max.

3. Except as hereinafter provided in Paragraph g, only two free-standing signs are permitted for any business parcel of land except that common developments of three or more acres may have one sign for each public thoroughfare on which the development has frontage. In such cases, the total signage allowed for any development shall not exceed the area allowed according to the square footage of all buildings.

f. The total area of free-standing signs for any one industry shall be limited to 200 square feet.

g. Hotels:

1. Where free-standing signs are used for a hotel use the total area of all such free-standing signs for any one hotel use, except as hereinafter set forth in subparagraph b, shall be determined by the following schedule:

<u>Size of hotel buildings</u>	<u>Allowable size of freestanding signs</u>
0 - 25,000 S.F.	32 S.F.
25,000 - 75,000 S.F.	50 S.F.
more than 75,000 S.F.	100 S.F.

2. Where the parcel of land on which the hotel is situated is located 200 feet or less from an interstate highway line, then one additional sign shall be permitted, which sign shall not exceed 40 feet in height and shall not exceed 175 S.F. in area.

#### 19.4 NOT PERMITTED IN ANY USE DISTRICT

a. The following are not permitted in any use district:

1. Billboards
2. Flashing signs and rotating signs or optically projected slide signs which are changed periodically.

## SECTION XX - ENFORCEMENT AND ADMINISTRATION

### 20.1 ENFORCEMENT AND PENALTIES

- a. The Zoning Commission of the Town of Cromwell shall provide for the manner in which the Zoning Regulations and Boundaries of the Zoning Districts shall be enforced.
- b. The Commission shall designate either a person or group of persons for this purpose which hereinafter shall be known as the Zoning Administrator and shall have all the powers, duties, and responsibilities assigned to the Zoning Administrator in these regulations and in the Connecticut General Statutes.
- c. It shall be the duty of the Zoning Administrator, as authorized, to enforce the provisions of these regulations.
- d. The Zoning Administrator, as authorized, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or removal of any building or structure, or the unlawful use of land; to restrain, correct or abate any violations of these regulations; to prevent the occupancy of said building, structure or land; or, to prevent any illegal act, conduct, business or use in, on or about the premises, or to cancel any permit for cause. Whenever such acts shall be in violation of the provisions of these regulations, penalties shall be as provided by the General Statutes.
- e. Nothing contained herein shall require any change in the plans, construction, size or designated use of a building for which a lawful building permit has been granted or for which plans were on file with the Building Inspector before the effective date of these regulations and the construction of which from such plans shall have been started within six (6) months of such date and diligently prosecuted to completion.

### 20.2 PERFORMANCE BOND

- a. The applicant shall post a bond, approved as to form and sureties, in an amount sufficient to cover the cost of construction of public improvements (street improvements, drainage, sewer and water supply) and any other improvements required by the Commission before approval of the Final Site Development Plan shall be given.
- b. The performance bond shall not be released until recommended by the Public Works Department and approved by the Commission.

SECTION XXI  
ZONING BOARD OF APPEALS

21.1 BOARD OF APPEALS

- a. Powers and Duties. The Board of Appeals shall have the following powers and duties all of which shall be exercised, subject to appropriate conditions and safeguards, in harmony with the purpose and intent of these regulations and in accordance with the public interest and the most appropriate development of the neighborhood:
1. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the official charged with the enforcement of the Zoning Regulations.
  2. To hear and decide all matters including special exceptions upon which it is required to pass by the specific terms of the Zoning Regulations.
  3. To determine and vary the application of the Zoning 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 specially affecting such parcel not affecting generally the district in which it is situated, a literal enforcement of such regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conforming uses in the zoning district or uses in an adjoining district.
  4. Any variances or exceptions in the use of buildings or land which are granted by the Board of Appeals shall be placed upon the land records of the Town by recording a copy of the variances or exception with the Town Clerk.
  5. To hear and decide requests any application for a change of non-conforming use. The current use must be legal non-conforming in that it must have been lawfully existing prior to the zoning change that made it non-conforming and at the time of application (this requirement does not apply to subsequent ZBA-approved changes for the same property). The new non-conforming use must be no more non-conforming than the current non-conforming use.
  6. To consider applications for, and determine the suitability of, location of any establishment which intends to deal in or repair motor vehicles under the provisions of Sec. 14-54 Chapter 250 of the Connecticut General Statutes, as amended.

ARTICLE XXII - AMENDMENTS, VALIDITY, EFFECTIVE DATE

SECTION XXII

- 22.1 AMENDMENTS - These regulations may from time to time be amended, changed, or repealed as provided by Chapter 124 of the General Statutes, 1958 revision, as amended.
- 22.2 VALIDITY - Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole, nor of any part not declared to be invalid.
- 22.3 EFFECTIVE DATE - The effective date of these regulations shall be February 19, 1974.
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## Amendments

<u>Effective Date:</u>	<u>Change:</u>
November 17, 1981	Delete PRD-3; Change PRD-3 to PRD-2
August 21, 1984	Family Restaurants
March 19, 1985	Change PRD standards
October 15, 1985	Change Automobile parking requirements
August 19, 1986	Delete Planned Business Zone; Planned Office Zone (new)
August 18, 1987	A-40 Zone (new); Increase A-15 Side Yard and Side Yard Aggregate
December 15, 1987	50' Residential Buffer
January 19, 1988	Waterfront Mixed Use Development (WMXD) Zone (new)
March 15, 1988	Downtown Business Zone (new)
January 11, 1989	?
June 1, 1989	Open Space Conservation Development regulations (new); delete PRD
July 23, 1989	Change to Downtown Business Zone; Filling; Pet Grooming
October 5, 1989	Duplex Conversion
December 19, 1989	Legal Notice Requirements
February 15, 1990	Distance Between Alcohol Businesses
May 14, 1990	Erosion Control Bond
September 28, 1990	Change to OSCD re Site Plan Requirements
September 28, 1990	Solid Waste Facilities
November 1, 1990	Rear Lots; Golf Courses
March 1, 1991	Staff to Issue Use Permits
October 14, 1991	Prohibition of Use Variances
December 20, 1991	Change to OSCD re old PRD's
April 1, 1992	Change to OSCD re "Fee in Lieu"
April 20, 1992	Noise Adjacent to Residential Zones
June 13, 1992	Special Flood Hazard Areas (revised per FEMA)
March 31, 1993	Vehicles Parking in Residential Zones
January 11, 1994	Required Parking Spaces at Retail Uses
March 4, 1994	Emergency Service Facilities (new)
July 15, 1994	Oversized Garages (new)
January 12, 1995	Government Services in Any Zone (new)
February 24, 1995	Beer and Wine at Recreation Facilities (new)
June 3, 1995	Sale of Food/Parking of Cars Near GHO
July 11, 1995	Sidewalks; map preparation requirements
July 13, 1995	<b>REORGANIZED</b>
April 26, 1996	No Separation Required for Restaurants
March 11, 1997	Directory Signage at Shopping Centers
August 19, 1997	Large Domestic Animal Pets; Definition of Farm, Garage, Principal Use and Principal Building; Temporary Signs
December 1, 1997	Crematoria in Industrial Zones (new)
April 1, 1998	Wireless Telecommunication Sites (new)

May 22, 1998	Industrial Rear Lots (new)
July 20, 1998	ZBA Application Procedures
October 1, 1998	Institutional Development Zone (new)
October 16, 1998	Change to Downtown Business Zone (Architectural Review
December 24, 1998	ATM Machines (new)
January 18, 1999	Alcohol at Recreational Uses in Industrial Zone
May 19, 1999	Change to Open Space Conservation Development Regulations
June 15, 1999	Change to Downtown Business Zone (Senior Housing)
July 19, 1999	Change to Off-Street Parking Requirements
July 19, 1999	Change to Definition of "Public Utility"; change to IP Zone requirements; change to Definition of "structure" in SFHA
June 19, 2000	Indoor Golf Training Facilities (new)
June 19, 2000	Map Filing Requirements (new); performance bond requirements
September 1, 2001	Self-Service Storage Facilities
August 1, 2002	Active Adult Housing Zone
February 16, 2003	Moratorium on Active Adult and OSCD Developments
July 25, 2003	Change to 15.3 revising Sand and Gravel Excavation
September 16, 2003	Change to 4.2.32 to allow Church, Religious Institution in DB Zone
September 16, 2003	Change to 4.2.41 to require Special Permit for Retail over 50,000 s.f.
October 22, 2003	New Conservation Subdivision regulation, replacing OSCD regulation
November 20, 2003	Change to 11.9 revising the parking requirements for daycare facilities; Change to 13.2 regarding Special Permit application and revocation
December 16, 2003	Change to 5 and 12 regarding Flood Plain District
June 18, 2004	Change to 4 regarding application for Map Change or Regulation Amendment
October 13, 2004	Change to 19 regarding Temporary Political Signs
April 26, 2005	Change to 13 regarding posting of sign for Special Permit application
May 31, 2005	Change to 10 revising the Conservation Subdivision Special Permit approval process
June 24, 2005	Change to 18 regarding amount of parking at retail and restaurant uses (approved on 6/7/2005, filed with Town Clerk on 6/24/05)
July 13, 2005	Change to 16 regarding erosion and sediment control.
August 9, 2005	Change to 15 regarding filling and excavation; new 11.12 for car wash.
January 23, 2006	Change to 4 (Moratorium on Zone Changes) and 10 (Moratorium on Conservation Subdivisions).
February 15, 2006	Change to 4.84A (Wholesale Nurseries in PO Zone).
July 1, 2006	Change to 4.3.b. (Sign Posting); 11.4 (Home Occupation); 13.2.d (Sign Posting); and 21.1 (ZBA sign posting).
August 11, 2006	Change to 3.1.27 (Golf Driving Range).
September 27, 2006	Change to 13.3 (Off-Site Improvements).
November 3, 2006	Change to 15 (Filling and Excavation).
April 18, 2007	Change to 5.8 (Active Adult Housing District)