

ZONING REGULATIONS

TOWN OF BOZRAH, CONNECTICUT

BOZRAH PLANNING AND ZONING COMMISSION

Prepared with technical assistance from the
Southeastern Connecticut Council of Governments
5 Connecticut Avenue, Norwich Connecticut

Revised to: June 28, 2021

BOZRAH ZONING REGULATIONS

TABLE OF CONTENTS

<u>Section</u>		<u>Page</u>
1	Title, Authority, Purposes	1
2	Definitions	1
3	Administration	6
4	Zoning Map	9
5	R-1 Residential District Regulations	10
5A	Village Overlay District	11
6	R-2 Residential District Regulations	14
7	RU-1 Rural Residential District Regulations	16
8	Commercial District Regulations	18
8A	(HC) Highway Commercial	19
8B	C/R Commercial/Residential District	22
9	Industrial District Regulations (Inc. I-30)	22
10	Supplementary Regulations	25
11	Special Exceptions	43
12	Site Plan	51
13	Signs	56
14	Off-Street Parking	57
15	Non-Conforming Lots, Buildings, and Uses	58
16	Appeals and Variances	59
17	Amendments	59
18	Separability	59
19	Effective Date	60

BOZRAH ZONING REGULATIONS

SECTION 1 - TITLE, AUTHORITY, PURPOSES

1.1 **Title.** These Regulations shall be known as the "Zoning Regulations of the Town of Bozrah, Connecticut," and are herein referred to as "these Regulations." These Regulations cancel and supersede "Amendment to Bozrah Zoning Regulations, Town of Bozrah, Connecticut," effective March 20, 1967. The effective date of these amended Regulations shall be February 1, 1984.

1.2 **Authority.** These Regulations are promulgated under the provisions of Chapter 124 of the Connecticut General Statutes, 1958 revision, as amended.

1.3 **Purposes.** The purposes of these Regulations are to promote and protect the public health, safety, convenience, and general welfare of the community; and, in accordance with a comprehensive plan, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to avoid the overcrowding of land and the undue concentration of population; to facilitate the adequate provision for transportation, water supply, sewerage, schools, parks and other public requirements; to provide for the control of soil erosion and sedimentation; to protect the quality of existing and potential water supplies; to provide the opportunity for property owners to use solar and other renewable forms of energy; all after first giving reasonable and due consideration to the character of the districts in the Town of Bozrah and the peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Bozrah.

SECTION 2 - DEFINITIONS

Words used in these Regulations shall have the definitions contained in this Section. All other words and phrases shall have commonly accepted meanings:

2.1 **Accessory Building or Use.** (2/1/08)(2/1/12) A subordinate building or use, such as access drive, pool, and outbuildings, customarily incidental and subordinate to the main building or use and located on the same lot with the main building or use.

The keeping of animals for non-commercial private home use on property in all zones shall be considered an accessory use. Animals shall be kept in accordance with Best Management Keeping Practices defined by the State of Connecticut Department of Agriculture and available in the Zoning Office. Buildings housing animals shall be kept a minimum of 75 feet from property lines. Additionally, the property shall be maintained so that it does not create or contribute to a health nuisance caused by the presence of flies, or other vermin; objectionable odors or dust; the accumulation of manure, or other obnoxious material or similar condition.

Section 2.1a **Assisted Living Community:** A managed residential facility, providing a combination of housing, support services, personalized assistance and some health care services primarily for people age 55 and older, which services are provided by a Connecticut licensed assisted living services agency as defined under the regulations of the State of Connecticut Department of Public Health, for the purposes of assisting residents with activities of daily living while maintaining a maximum level of independence.

An Assisted Living Community is intended to contain living units which are spaces for clients to reside, kitchen and dining room facilities, laundry facilities, common assembly areas, indoor and outdoor recreation areas, health care and administrative offices as well as other support services necessary to operate the facility.

2.2 **Aircraft Landing Field.** Land used for the taking off and landing of motor driven aircraft.

2.3 **Antenna.** (12/1/98) A device used to receive or transmit electromagnetic waves. Examples include, but are not limited to whip, panel, and dish antennas.

2.4 **Aquifer.** Although an aquifer is any geologic unit capable of yielding usable amounts of water, for the purposes of these Regulations, aquifers shall be those coarse-grained stratified drift deposits with a saturated thickness of ten (10) or more feet, as mapped by the U.S. Geological Survey, which are considered to be most favorable for the development of water supplies and which are highly vulnerable to contamination. Aquifer areas of Bozrah meeting this definition and wherein the provisions of Section 10.12 of these Regulations apply, are shown on the map titled "Aquifers, Bozrah, Connecticut, " which is attached to and made a part of these Regulations.

2.5 **Buildable Area:** Land area on a parcel exclusive of: wetland and watercourses; areas within the 100-year flood boundary; slopes in excess of 25 %; rock or ledge outcrops; rights of ways or easements and utility and drainage easements; required front yard, side yard, and rear yard setbacks.

2.6 **Camper Unit.** A vehicle designed, used or intended for use temporarily for camping, recreation, travel and vacationing, and is or can be mounted on wheels and may be self-propelled, but shall not include a mobile home.

2.7 **Club.** A non-profit individual, partnership, corporation, or association of persons which is the owner, occupant, or lessee of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are restricted to members and guests.

2.8 **Co-location.** (12/1/98) Locating wireless communication facilities of more than one provider on a single site.

2.9 **Commission.** The Planning and Zoning Commission of the Town of Bozrah.

2.10 **Dog Daycare.** A service use offering boarding of dogs, conducted in a manner that allows dogs to interact and socialize. This use shall not permit permanent indoor or outdoor enclosures, designed to separate dogs. A Dog Daycare is shown to be clearly dissimilar to a Boarding Kennel as defined in Section 2.22, and shall only allow the day-to-day keeping of dogs. The owner of a Dog Daycare must possess a Commercial Kennel license from the State of Connecticut prior to operation. (2/1/2019)

2.11 **Dwelling Unit.** A room or rooms, connected together, constituting a separate, independent housekeeping establishment for a family, physically separated from any other rooms or dwelling units that may be in the same structure, and containing its own kitchen, sleeping, and toilet facilities.

2.12 **Dwelling, Single-Family.** A detached dwelling unit, other than a mobile home, designed for occupancy by only one family.

2.13 **Dwelling, Two-Family.** A building containing two dwelling units.

2.14 Deleted effective 2/28/88.

2.15 **Elderly Housing.** Housing designed and intended for use solely by elderly persons.

2.16 **Excavation.** The removal from any land premises within the Town of Bozrah of earth, sand, gravel, clay, or other natural earth products, in excess of 100 cubic yards in a single calendar year, except as surplus material from a bona fide construction being conducted on the premises for which a building permit has been issued. The quarrying of stone or rock is specially prohibited in all zones. (7/15/11)

2.17 **Family.** One or more persons occupying a single dwelling unit, provided that no such family shall contain more than five (5) persons unrelated by blood, marriage, legal adoption or foster arrangements.

2.18 **Floor Area.** The total living area contained in a building but excluding garages, breezeways, porches, unfinished cellars and attics.

2.19 **Frontage.** The continuous and contiguous length of the front line of the building lot abutting on a street. Such frontage shall provide access to the building lot.(2/1/12)

2.20 **Home Occupation.** (8/1/00) An activity conducted for financial gain which involves small scale business, office, home industry, or service occupation as outlined in this section are permitted accessory uses in Residential Districts and require a zoning permit from the Planning & Zoning Commission. No other activities are permitted as Home Occupations. Specific Home Occupation requirements are as follows:

- 1] The Home Occupation shall be clearly incidental to the residential use of the

- dwelling.
- 2] The Home Occupation shall not create any noise, odor, dust, vibrations, smoke, gas fumes, radiation, electromagnetic interference, lighting, or unsightly conditions noticeable on or off the lot.
 - 3] There shall be no contractor's equipment (backhoe, bulldozer, etc.), or commercial vehicles larger than a one-ton truck, associated with the home occupation, parked on the property.
 - 4] The Home Occupation shall be conducted within the residence or an outbuilding as provided in subsection 5. There shall be no outside storage permitted.
 - 5] If located within the residence the Home Occupation shall not occupy more than 25% of the gross floor area of the residence. If located in an outbuilding the Home Occupation shall not occupy more than 50% of the gross floor area of the residence.
 - 6] Employees of the Home Occupation shall consist of residents and no more than two (2) non-residents.
 - 7] The Home Occupation shall provide off-street parking on the property.

All applications for a Home Occupation permit shall include a written statement with the following: (a) a description of the proposed activity; (b) a written summary responding to each of the above requirements; and (c) a sketch drawing, to scale and acceptable to the Commission, showing the property boundary, existing and proposed structures, location of proposed Home Occupation (including floor area layout), and the location of vehicle parking.

Zoning permits which are issued for Home Occupations are specific to a proposed activity as outlined in an application. Changes in the conduct or type of activity require a new permit.

2.21 **Junk Yard.** Any property or portion thereof used for the outside storage keeping, or abandonment of worked out, cast-off, or discarded articles or materials ready for destruction or collected or stored for salvage or conversion to some use.

2.22 **Kennel, Boarding.** A standalone facility designed for the boarding of dogs, conducted in such a way that dogs are separated for the majority of their stay, and that generally consists of fixed, permanent, penned enclosures or "kennels". The owner of a Boarding Kennel must possess a Commercial Kennel license from the State of Connecticut prior to operation. (2/1/2019)

2.23 **Kennel, Breeding.** A home or facility keeping four (4) or more dogs over the age of six (6) months for the purpose of breeding for sale, sport, or show. The owner of a Breeding Kennel must possess a Kennel License from the Town Clerk. (2/1/2019)

2.24 **Lot.** A contiguous parcel of land or more than one such parcel defined by separate deed, and occupied or intended to be occupied by a single building or use and the buildings and uses accessory thereto, such as access drive and site utilities, and which is not regularly submerged during all or part of the year. In the case of multi-family dwellings, public, institutional, commercial, industrial or specialized agricultural buildings, a group of buildings under the same

ownership may be considered as occupying the same lot.(2/1/12)

2.25 **Mobile Home.** A building mass-produced in a factory as an individual unit or a module for combination with other elements, designed for long-term residential use when connected to required utilities, and designed and constructed on a chassis for transportation to a site for use. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a camper unit. Other factory-manufactured buildings, such as modular homes, not meeting the above criteria, shall not be construed to be mobile homes.

2.26 **Principal Building.** A building containing the principal use of a property.

2.27 **Recreation Campground.** A parcel of land used for the parking of camper units or the establishment of overnight living quarters, such as tents or other temporary shelters, and occupied temporarily by families engaged in travel.

2.28 **Set Back.** The distance required between a building and the front lot line, extending the full width of the lot. The area between the front lot line and the required setback line is the front yard.

2.29 **Sign.** A name, identification, symbol, image, display or illustration which is affixed to a building, standard or other support, and which directs attention to an object, product, place, activity, service, business or person. Materials other than the minimum needed to support the sign shall be considered part of the sign. The area and dimensions of a sign shall be based on an imaginary circle, square, rectangle, triangle, parallelogram, trapezoid, or trapezium, encompassing all letters and other elements of the sign, including any frame.

2.30 **Specialized Agricultural Buildings.** The use of a building for intensive farming and farming-related activities that involve:

- a) processing or packaging of farm products, by-products, or animal or poultry wastes;
- b) shelter for more than 100 animals or 20,000 birds and/or fowl (7/11/85);
- c) workplace for more than five (5) non-family, full-time employees;
- d) retail sales of products raised, or processed on the premises, other than in a seasonal roadside farm produce stand.

2.31 **Street.** An accessible state highway, or a Town-accepted road suitable for two-way vehicular travel; or a proposed street shown on a subdivision plan approved by the Commission and filed in the office of the Town Clerk.

2.32 **Rear Yard.** The space required along the rear lot line extending the full width of the lot.

2.33 **Side Yard.** The space required along the side lot lines, extending from the front lot line to

the rear lot line.

2.34 **Tower.** (12/1/98) A structure intended to support equipment used to receive or transmit electromagnetic waves. Examples of towers include self-supporting lattice, guyed, and monopole.

2.35 **Video Game Machine.** A coin-operated machine or device which, whether mechanical, electrical or electronic, shall be ready for play by the insertion of a coin, and may be operated by the public for use as a game, entertainment or amusement, the object of which is to achieve either a high or low score. which by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one play or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube or reproduce symbolic figures and lines intended to be representative of real games or activities.

2.36 **Video Game Arcade.** Three (3) or more video game machines in the same place, location or premises.

2.37 **Wireless telecommunication facility.** (12/1/98) The equipment and structures involved in receiving or transmitting electromagnetic waves associates with wireless telecommunication services.

2.38 **Wireless telecommunication services.** (12/1/98) Services associated with the transmission and/or reception of wireless telecommunications. These services include, but are not limited to cellular, personal communication services, specialized mobilized radio, and paging.

SECTION 3 - ADMINISTRATION

3.1 **Administration.** These Regulations shall be administered by the Planning and Zoning Commission or its appointed agent, the Zoning Enforcement Officer. He shall receive applications, issue Zoning Permits and Certificates of Compliance, and shall collect all fees required by these Regulations, except where submitted to the Commission or the Town Clerk with an application. He shall keep a full and accurate record of his doings, which shall be open to public or private inspection.

3.1.1 The Zoning Enforcement Officer shall be authorized to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of these Regulations or, when the violation involves grading of land or the removal of earth, to issue, in writing, a cease and desist order to be effective immediately.

3.2 **Zoning Permits.** No building or structure shall be erected, moved, enlarged or changed to

another use, and no use shall be established or changed within the limits of the Town of Bozrah until the Zoning Enforcement Officer has certified in writing that these Regulations have been complied with.

3.2.1 A zoning permit shall be issued by the Zoning Enforcement Officer upon receipt of a proper application and the appropriate fee if all of the provisions of these Regulations and the subdivision regulations of the Town of Bozrah are complied with.

3.2.2 Written application for a zoning permit for a single-family dwelling or a permitted accessory building or use shall be made to the Zoning Enforcement Officer on a form provided by him and shall include a plot plan showing property owner and adjacent owners, size and location of buildings (existing and proposed), sanitary sewerage facilities, water supply, proposed use of property and such other information as per Section 3.2.5 or the Commission may deem reasonably necessary to determine and provide for the enforcement of these Regulations. (1/10/92)

3.2.3 (10/19/87) Applications for zoning permits for uses other than single-family and two-family dwellings or permitted accessory buildings and uses shall be accompanied by ten (10) copies of a site plan as prescribed in Section 12 of these Regulations, and such site plan shall be reviewed and approved by the Commission before a zoning permit is issued by the Zoning Enforcement Officer. All such applications and site plans shall be submitted to the Town Clerk at least ten (10) days prior to a regularly scheduled meeting of the Commission. Non-compliance with this requirement may result in substantial delays in processing the application because it may not be placed on the posted agenda of the Commission's first meeting following submission.

3.2.4 A zoning permit shall be valid for a period of twelve (12) months from the date of its issuance and shall be extended upon application to the Commission within thirty (30) days prior to the termination date if substantial construction is underway at that time. Excavating for or the erecting of a simple foundation shall not constitute substantial construction.

3.2.5 No building permit or combined zoning and building permit shall be issued by the Building Official until the Zoning Enforcement Officer has certified in writing, through the issuance of a zoning permit, or combination zoning and building permit, that the provisions of these Regulations have been complied with. The Zoning Enforcement Officer may require a plot plan prepared, signed, and sealed by a licensed land surveyor or register professional engineer to insure compliance with these Regulations. The Zoning Enforcement Officer may further require that location markers for the building foundation be set by a licensed land surveyor in accordance with the plot plan prior to the issuance of a zoning permit. No zoning permit shall be issued for uses not clearly permitted by these Regulations. (1/10/92)

3.2.6 (7/11/85) No Certificate of Occupancy shall be issued by the Building Official until the Zoning Enforcement Officer has certified in writing that the provisions of these Regulations have been complied with.

3.3 **Fees.** A fee in the amount stipulated by Town Ordinance shall accompany all applications made in accordance with these regulations. (11/10/89) (10/11/12)

3.4 **Violations and Penalties.** If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of these Regulations, the Commission or the Zoning Enforcement Officer, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. The owner or agent of any building or premises where a violation of any provision of these Regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other who maintains any building or premises in which any such violation exists, shall be fined not less than ten (\$10) nor more than one hundred (\$100) dollars for each day that such violation continues; but, if the offense is wilful, the persons convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred and fifty (\$250) dollars for each day that such violation continues, or imprisoned nor more than ten (10) days for each day such violation continues or both; and the superior court shall have jurisdiction of all such offenses, subject to appeal as in other cases. Any person who, having been served with an order to discontinue any such violation, or having been served with a cease and desist order with respect to a violation involving grading of land or removal of earth, fails to comply with such order immediately, or continues to violate any provision of these Regulations specified in such order shall be subject to a civil penalty of five hundred (\$500) dollars, payable to the Treasurer of the Town of Bozrah.

3.5 **Other Permits.** A zoning permit indicates compliance with the provisions of these Regulations. However, other permits may be required before the applicant can begin the related building or use, such as those concerned with driveways, wetlands, water and sewer facilities, fire protection, building code, and health code. Determining what other permits are required and obtaining those permits is the responsibility of the applicant.

3.6 **Referrals.** (10/19/87) If an application for a special exception or site plan approval involves an activity regulated under the provisions of Chapter 440 of the General Statutes, the applicant shall submit an application for a permit to the Bozrah Conservation (Inland Wetlands) Commission not later than the day such application is filed with the Planning and Zoning Commission (PZC). The decision of the PZC shall not be rendered until the Conservation Commission has submitted a report with its final decision to the PZC. In making its decision, the PZC shall give due consideration to the report of the Conservation Commission.

3.6.1 (6/1/06) The Commission shall notify the clerk of any adjoining municipality of the pendency of any application or site plan concerning any project on any site when: (1) any part of the property affected by the Commission's decision is within 500 feet of the adjoining municipality; (2) a significant portion of the traffic to the completed project will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewer system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. Such notice shall be made by certified mail and shall be mailed within seven days of the date of receipt of the application or site plan and no hearing shall be held on the application or site plan until after the adjoining municipality has received such notice. A representative from the adjoining municipality may appear and be heard at any hearing on any such application or site plan.

3.6.2 (6/1/06) Referral to Regional Planning Commission (Council of Governments) (Date). When the zoning commission proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred (500) feet of a boundary of another municipality located within the area of operation of a regional planning agency, the zoning commission shall give written notice of its proposal to the regional planning agency or agencies of the region in which it and the other municipality are located. Such notice shall be made by certified mail, return receipt requested not later than thirty (30) days before the public hearing. The findings and recommendations submitted by the regional planning agency shall be made part of the record of such hearing.

SECTION 4 - ZONING MAP

4.1 **The Map.** The map entitled "Zoning Map, Bozrah, Connecticut," is a part of these Regulations. The zoning map shows the boundaries and designations for each zoning district of the Town. Use and dimensional requirements for each district are found in these Regulations.

4.1.1 All district boundaries shown on said zoning map are intended to follow the center lines of streets or lines drawn parallel to and at specified distances from street center lines, unless otherwise specifically shown thereon.

4.1.2 Where a district boundary divides a lot of record at the time such boundary line is adopted, the regulations for the less restricted portion of any such lot may extend not more than thirty (30) feet into the more restricted portion, provided that the lot has frontage on a street in the less restricted district.

4.2 **Districts.** The Zoning Map includes the following zoning districts: (8/1/13)

R-1 Single-Family Residential
R-2 Multi-Family Residential
RU-1 Rural Residential
C Commercial
I Industrial
I-80
I-30

HC Highway Commercial
CR Commercial Residential
VOD Village Overlay District

4.2.1 The types of permitted land uses and dimensional requirements vary from district to district. Uses are permitted in each district either by right or as special exceptions, as listed in following sections of these Regulations. Special exceptions must conform to the special procedures and conditions prescribed in Section 11 of these Regulations.

SECTION 5 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

5.1 Permitted Uses.

5.1.1 Single-family dwellings.

5.1.2 Accessory buildings and uses.

5.1.3 Greenhouses and the raising of nursery products, but excluding retail sale of products not produced on the premises.

5.1.4 Home occupations.

5.1.5 Municipal or governmental buildings and structures.

5.1.6 Keeping of animals in accordance with Section 10.6 of these Regulations.

5.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 11 of these Regulations.

5.2.1 Utility company structures.

5.2.2 Wireless telecommunication facilities. (12/1/98)

5.3 **Minimum Lot Size.** 80,000 square feet, except that utility company structures may be permitted on smaller lots by vote of the Commission. (5/21/87)

5.4 Minimum Yard Requirements.

5.4.1 **Frontage:** 200 feet.

5.4.1 **Set Back:** 50 feet.

5.4.3 **Side Yard:** 25 feet.

5.4.4 **Rear Yard:** 25 feet.

5.5 **Minimum Floor Area.** 1,000 square feet per dwelling unit. (5/21/87)

5.6 **Maximum Height.** Single-family dwelling: 30 feet.

5.7 **Dimensional Requirements in Residential Districts.** (9/1/07)

As of September 1, 2007 a new residential lot shall contain a contiguous buildable area as defined in Section 2 of these regulations. The buildable area shall be a minimum of 20,000 square feet within which a 100 foot square must be capable of fitting.

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building and on-site water and sewer facilities. The buildable area must exist at the time of application. The provision of public water supply to a property will allow the minimum buildable area requirement to be reduced by 25 percent within which a 100 foot square must be capable of fitting. The provision of both public water and sewer service to a property will nullify the buildable area requirement.

SECTION 5A - VILLAGE OVERLAY DISTRICT

This overlay designation is applicable in the area designated on the zoning map at the dimensional requirements, use requirements and standards listed in this section.

The intent of this overlay zoning designation is to allow for the development of permitted uses at a scale and density that enhances the existing Fitchville Center and allows the area to be better defined as a typical Village Center. Additionally, it is intended that this location provide opportunities and benefits for the town with regard to small-scale residential and non-residential developments. While there are no specific architectural design standards within this overlay district it is intended that structures be designed to reflect typical New England architecture, and have site layouts that fit in and compliment the Fitchville Village setting.

In order to qualify to utilize the standards of the Village Overlay District an existing use proposing to expand or a proposed new development must access the Norwich Public Utility public water supply system, obtain subsurface septic system approval for the proposed use(s) and structurally be designed to reflect typical New England architecture. Typical New England architecture shall include, at a minimum, pitched roofs.

5A.1 - Village Overlay Dimensional Requirements:

- a) **Minimum Lot size:** 30,000 square feet
- b) **Minimum Frontage:** 100 feet
- c) **Minimum Side & Rear Yard:** 10 feet
- d) **Minimum Front Yard Setback:** 20 feet

5A.2 - Permitted Uses: The uses permitted in the Village Overlay District are determined by the zoning designation of the underlying zoning district. That is, when the underlying zoning designation is either Residential, Commercial, or Industrial the zoning designation in the Village Overlay District is the same. The uses permitted in those designated areas are listed in this Village Overlay District Section.

Uses permitted in the Village Overlay District may be housed in the same building.

All signs for uses approved as part of the Village Overlay District Section 5.A shall comply with the requirements of Section 5.A.6 of these regulations.

5.A.2.1 - Residential District – Permitted uses to qualified applications, as of right with site plan approval, are as follows:

- a) Single-family dwelling
- b) Multi-family dwelling calculated at 4 units per acre with no single parcel containing more than 6 units. The minimum floor area per unit shall be 600 square feet with no unit containing more than 2 bedrooms.
- c) Accessory buildings and uses with the exception of the keeping of animals in Section 2.1
- d) Home occupations
- e) Church, synagogue, or similar place of worship
- f) Municipal or governmental buildings or structures

5.A.2.2 - Residential District Special Exceptions:

The Commission may, by Special Exception, permit the combination of Commercial Uses as listed in this Village Overlay Section with the Residential Uses in this Section to qualified applications as follows:

- a) In no case shall the ratio of non-residential to residential use exceed 50 percent.
- b) The requirements of Section 11.3, 11.3.1 and 11.3.2 are satisfied as determined by the Commission. The Recording requirement of Section 11.4 is also applicable.

5.A.2.3 - Commercial District – Permitted uses to qualified applications, as of right with site plan approval, are as follows:

- a) Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, hardware stores, and sporting goods stores.
- b) Business services, such as banks and other financial institutions, Real estate and insurance offices, business and professional offices.
- c) Personal services, such as barber shops, beauty salons, laundry and dry cleaning establishments, Dog Daycare. (mod. 2/1/2019)
- d) Repair services, such as radio, television, appliance and plumbing shops, upholstery shops and shoe repair shops. This does not include automotive/vehicular repair services.
- e) Accessory buildings and uses.

5.A.2.4 - Commercial District Special Exceptions:

The Commission may, by Special Exception, permit the combination of Commercial Uses as listed in this Village Overlay Section with the Residential Uses in this Section to qualified applications as follows:

- a) In no case shall the ratio of residential to non-residential use exceed 50 percent.
- b) The requirements of Section 11.3, 11.3.1 and 11.3.2 are satisfied as determined by the Commission. The Recording requirement of Section 11.4 is also applicable.

5.A.2.5 Industrial District – Permitted uses to qualified applications, as of right with site plan approval, are as follows:

- a) Any of the Commercial uses listed in this Section 5.A.2.3.
- b) Retail and wholesale businesses, office buildings, warehouses.
- c) Manufacturing, processing, and assembly plants, printing, and publishing.

d) Residential uses are not permitted in Industrial Districts in this Village Overlay District.

5.A.3 Parking Requirements: While the off-street parking requirements of Section 14 are applicable in the Village Overlay District, the Commission may allow for shared parking and off-site parking when it can be demonstrated that the proximity and availability will be suitable for a proposed uses or combined uses. The availability of such proposed off-site parking areas shall be demonstrated by a deed covenant allowing for such use.

5.A.4 Pedestrian Access: The site development design for activities in the Village Overlay District shall incorporate pedestrian access within the site and to adjacent parcels to the extent possible.

5.A.5 Minimum Buildable Area: Each lot shall contain a minimum buildable area in a size and configuration to be suitable for on-site subsurface sewage disposal as determined by the Town's Sanitarian Service.

5.A.6 Signs: The requirements of Section 13.1 through 13.1.6 of the zoning regulations are applicable in addition to the following standards:

5.A.6.1 Freestanding signs in the Village Overlay District shall be no more than 12 feet in total height and 16 square feet in size and are permissible one per lot. Such signs shall not be located closer than 10 feet from the front property line and 20 feet from any side or rear property line.

5.A.6.2 Wall signs in the Village Overlay District shall cover no more than 10% of the wall area as measured from the ground on the front building face either as a single or multiple signs such that their aggregate does not exceed 10% of such wall area to a maximum of 40 square feet, except that the size may be increased by 2 square feet for every foot of setback beyond 50 feet, up to a maximum of 80 square feet. This requirement is applicable to each building regardless of the number of individual uses in that building.

5.A.6.3 Temporary signs are permitted as per Section 13.4 and 13.4.1 of the zoning regulations with the following exception: No sign shall exceed 16 square feet.

SECTION 6 - R-2 MULTI-FAMILY RESIDENTIAL DISTRICT REGULATIONS

6.1 **Permitted Uses.** The following uses are permitted by right in this district.

6.1.1 Single-family dwellings.

6.1.2 Two-family dwellings.

6.1.3 Accessory buildings and uses.

6.1.4 Home occupations.

6.1.5 Church, synagogue, or similar place of worship.

6.1.6 Municipal or governmental buildings and structures.

6.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provision of Section 11 of these Regulations.

6.2.1 Clubs.

6.2.2 Deleted effective 2/28/88.

6.2.3 Elderly housing.

6.2.4 Utility company structures.

6.2.5 Wireless telecommunication facilities. (12/1/98)

6.3 **Minimum Lot Size.**

6.3.1 Single family dwelling: 80,000 square feet. (5/21/87)

6.3.2 Two-family dwelling: 80,000 square feet.

6.3.3 Deleted effective 2/28/88.

6.4 **Minimum Yard Requirements.**

6.4.1 **Frontage:** 200 feet

6.4.2 **Set Back:** 50 feet.

6.4.3 **Side Yard:** 25 feet.

6.4.4 **Rear Yard:** 25 feet.

6.4.5 **Floor Area:** 1,000 square feet per unit in single-family and two-family dwellings. (Amended effective 2/28/88).

6.5 **Maximum Height.** Residential buildings: 30 feet.

6.6 Dimensional Requirements in Residential Districts. (9/1/07)

As of September 1, 2007 a new residential lot shall contain a contiguous buildable area as defined in Section 2 of these regulations. The buildable area shall be a minimum of 20,000 square feet within which a 100 foot square must be capable of fitting.

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building and on-site water and sewer facilities. The buildable area must exist at the time of application. The provision of public water supply to a property will allow the minimum buildable area requirement to be reduced by 25 percent within which a 100 foot square must be capable of fitting. The provision of both public water and sewer service to a property will nullify the buildable area requirement.

SECTION 7 - RU-1 RURAL RESIDENTIAL DISTRICT REGULATIONS

7.1 **Permitted Uses.** The following uses are permitted by right in this district.

7.1.1 Single-family dwellings.

7.1.2 Accessory buildings and uses.

7.1.3 Greenhouses and plant nurseries, excluding retail sales of products not produced on the premises.

7.1.4 Home occupations.

7.1.5 Church, synagogue, or other place of worship.

7.1.6 Municipal or governmental buildings and structures.

7.1.7 Keeping of animals in accordance with Section 10.6 of these Regulations.

7.1.8 Agricultural, including dairy farming, livestock raising, poultry farming.

7.1.9 A stand not over 200 square feet in area for the display and sale of farm and garden produce, at least half of which is raised on the premises, with not more than two (2) signs totaling not over twelve (12) square feet in area advertising such produce. Such stands shall be no closer than twenty (20) feet from any street line and shall be at least fifty (50) feet from any intersection. The lot shall contain at least three (3) acres.

7.1.10 Cemeteries.

7.1.11 Specialized agricultural buildings.

7.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 11 of these Regulations.

7.2.1 Educational institutions providing regular classroom instruction.

7.2.2 Veterinary hospitals.

7.2.3 Golf, tennis or similar clubs of at least five (5) acres with no building within 100 feet of any street line or 50 feet of any property line.

7.2.4 Clinics, convalescent homes.

7.2.5 Temporary assemblies such as fairs, flea markets and festivals.

7.2.6 Recreation campgrounds.

7.2.7 Excavations.

7.2.8 Utility company structures.

7.2.9 Aircraft landing field.

7.2.10 Bulky waste landfill. (5/21/87)

7.2.11 Wireless telecommunication facilities. (12/1/98)

7.3 **Minimum Lot Size:**

7.3.1 Single-family dwelling: 80,000 square feet. (5/21/87)

7.3.2 Agricultural, dairy farming, livestock raising and poultry farming: 10 acres.

7.3.3 Farm and garden produce stand; veterinary hospital: 3 acres.

7.3.4 Golf, tennis or similar club: 5 acres.

7.3.5 Clinics, convalescent homes: lot area not less than 5,000 square feet per patient or client accommodation, or 120,000 square feet, whichever is greater.

7.4 **Minimum Yard Requirements.**

7.4.1 **Frontage:** 200 feet.

7.4.2 **Set Back:** 50 feet.

7.4.3 **Side Yard:** 25 feet.

7.4.4 **Rear Yard:** 25 feet.

7.4.5 **Minimum Floor Area:** 1,000 square feet for single-family dwellings. (5/21/87)

7.5 **Maximum Height.** All buildings: 50 feet.

7.6 **Dimensional Requirements in Residential Districts.** (9/1/07)

As of September 1, 2007 a new residential lot shall contain a contiguous buildable area as defined in Section 2 of these regulations. The buildable area shall be a minimum of 20,000 square feet within which a 100 foot square must be capable of fitting.

The intent of the minimum buildable area requirement is to provide adequate contiguous area on each lot in which to locate the principal building and on-site water and sewer facilities. The buildable area must exist at the time of application. The provision of public water supply to a property will allow the minimum buildable area requirement to be reduced by 25 percent within which a 100 foot square must be capable of fitting. The provision of both public water and sewer service to a property will nullify the buildable area requirement.

SECTION 8 - C COMMERCIAL DISTRICTS

8.1 **Permitted Uses.** The following uses are permitted in this district only after issuance of a zoning permit as required by Section 3 and/or site plan as required by Section 12 of these Regulations- 3/10/89

8.1.1 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting good stores, furniture stores, farm and garden supply stores.

8.1.2 Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices.

8.1.3 Personal services, such as barber shops, beauty salons, dry cleaning establishments, theaters, motels or hotels, laundries or Laundromats, Dog Daycare. (mod. 2/1/2019)

8.1.4 Repair services, such as radio, television, automotive, appliance and plumbing shops, upholstery shops and shoe repair shops.

8.1.5 Residence for a caretaker, watchman, or owner as an accessory use for a commercial or industrial use, except the use of mobile homes or camper units for this

purpose is not permitted.

8.1.6 Accessory buildings and uses.

8.1.7 Utility company structures. (7/11/85)

8.1.8 Wireless telecommunication facilities. (12/1/98) (see Section 10.17)

8.2 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 11 of these Regulations.

8.2.1 Deleted effective 2/28/88.

8.2.2 Video game arcades.

8.3 **Minimum Lot Size.**

8.3.1 80,000 square feet. (Amended effective 2/28/88).

8.4 **Dimensional Requirements.**

8.4.1 **Frontage:** 150 feet.

8.4.2 **Set Back:** 50 feet.

8.4.3 **Side and Rear Yards:** 25 feet.

8.4.4 **Floor Area:** No minimum.

8.4.5 **Maximum lot coverage by buildings:** 30%

8.4.6 **Maximum height of all buildings:** 50 feet.

SECTION 8A - (HC) HIGHWAY COMMERCIAL (10/1/96)

8A.1 **Purpose:** The purpose of this district is to promote commercial development which contain activities that will serve a wide range of needs of area residents. It is intended that such development be located and designed taking into consideration the areas unique characteristics which include: its location in relation to surrounding regional development; steadily increasing traffic volumes on Route 82; its function as a pass through route as well as local roadway providing access to homes and businesses; its proximity to I-395. Recognizing these opportunities these regulations are intended to promote a development pattern which utilizes the

frontage of Route 82 in Bozrah while minimizing traffic circulation congestion typical of strip commercial development. These regulations intend to accomplish this purpose by minimizing access drives to Route 82 and requiring internal drive connections between parcels as well as considering all other appropriate access management techniques.

8A.2 **Permitted Uses.** The following uses are permitted in this district only after issuance of a zoning permit as required by Section 3 and/or site plan as required by Section 12 of these Regulations. (3/10/89)

8A.2.1 Retail businesses, such as grocery stores, drug stores, apparel stores, variety stores, eating and drinking establishments, antique shops, sporting good stores, furniture stores, farm and garden supply stores.

8A.2.2 Business services, such as banks and other financial institutions, real estate and insurance offices, business and professional offices.

8A.2.3 Personal services, such as barber shops, beauty salons, dry cleaning establishments, theaters, motels or hotels, laundries or Laundromats.

8A.2.4 Repair services, such as radio, television, automotive, appliance and plumbing shops, upholstery shops and shoe repair shops.

8A.2.5 Residence for a caretaker, watchman, or owner as an accessory use for a commercial use, except the use of mobile homes or camper units for this purpose is not permitted.

8A.2.6 Accessory buildings and uses.

8A.2.7 Utility company structures. (7/11/95)

8A.2.8 Wireless telecommunication facilities. (12/1/98) (See Section 10.17)

8A.2.9 Assisted Living Community as defined by these regulations (See Section 2) when served by a public water and sewer system with the maximum number of living units not to exceed 120.

8A.3 **Special Exceptions.** The following uses may be permitted by the Commission subject to the provisions of Section 11 of these Regulations.

8A.3.1 Video game arcades.

8A.4 **Minimum Lot Size.**

8A.4.1 80,000 square feet.

8A.5 **Dimensional Requirements.**

8A.5.1 Frontage:	150 feet
8A.5.2 Setback:	75 feet
8A.5.3 Side and Rear Yards:	30 feet
8A.5.4 Floor Area:	No Minimum
8A.5.5 Maximum lot coverage by buildings:	30%
8A.5.6 Maximum height of all buildings:	70 feet

8A.6 **Access and Traffic.**

8A.6.1 The specific access requirements of this section supercede any conflicting access requirements within these regulations. In any case where a clarification is required the Commission shall determine the applicable requirement based on the “Purpose” (Section 8A.1) stated in this Highway Commercial regulation.

8A.6.2 All vehicular access shall be onto Route 82 or onto a roadway which serves only properties in the Highway Commercial District.

8A.6.3 In order to reduce possible traffic conflict points the Commission may require driveways to be located so that they will provide common access to adjacent parcel(s) of land (e.g. on property line) for traffic safety. The Commission shall also require common interior drives to serve more than one parcel, where appropriate for traffic safety. Such requirements may stipulate reserved rights-of-ways in lieu of actual construction depending on present use of adjacent parcels. Where common driveways are required and constructed, a written agreement for the common use and maintenance of a shared access must be recorded in the Town Land Records.

8A.6.4 An access drive which only serves an individual parcel may be permitted by the Commission if the Commission is satisfied that the characteristics of the parcel and the proposed drive placement will accomplish the intent of these regulations as reviewed under “Purpose”. Such characteristics may include an increase of the minimum lot frontage required to the extent that the distance between access drives aids in accomplishing the intent of these regulations. All other appropriate traffic safety measures such as sight line clearance must also be satisfied.

8A.6.5 The applicant must demonstrate that the site design makes proper provision for pedestrian access and safety. All site plans shall provide for pedestrian walkways and circulation in and around buildings.

8A.6.6 Any permit may be denied by the Commission, if, after review and evaluation, no reasonable modification can be required which will insure the proposed use will not create or further aggravate vehicular and/or pedestrian traffic safety problems.

SECTION 8B - C/R - COMMERCIAL/RESIDENTIAL DISTRICT (8/1/00)

8B.1 Permitted Uses. The following uses are permitted in this district only after issuance of a zoning permit required by Section 3 and/or site plan as required by Section 12 of these Regulations. (8/1/00)

8B.1.1 Single-family dwellings and accessory buildings.

8B.1.2 Elderly Housing as per Section 11.9 (Special Exception).

8B.1.3 Commercial businesses as stipulated by Sections 8.1.1 thru 8.1.8.

8B.2 Minimum Lot Size.

8B.2.2 80,000 square feet.

8B.3 Dimensional Requirements.

- 8B.3.1 **Frontage:** 200 feet.
- 8B.3.2 **Setback:** 50 feet.
- 8B.3.3 **Side and Rear Yards:** 25 feet.
- 8B.3.4 **Maximum height of all buildings:** 50 feet.
- 8B.3.5 **Maximum lot coverage by buildings:** 30% for Commercial uses, no requirement for residential uses.
- 8B.3.6 **Floor Area:** No minimum for Commercial uses, 1000 square foot minimum for single-family dwellings.

SECTION 9 - INDUSTRIAL-80 DISTRICTS (7/91)

9.1 Permitted Uses. The following uses are permitted by right in this district only after issuance of a zoning permit as required by Section 3 and/or site plan as required by Section 12 of these Regulations. (3/10/89)

9.1.1 All uses permitted in Section 8.1 and 8.2. (Amended effective 2/28/88).

9.1.2 Major retail and wholesale businesses, show rooms, office buildings, lumber storage, warehouses, truck terminals.

9.1.3 Manufacturing, processing, and assembly plants, printing, and publishing.

9.1.4 Agricultural, including dairy farming, livestock raising, poultry farming.

9.1.5 Specialized agricultural buildings.

9.1.6 Wireless telecommunication facilities. (12/1/98) (See Section 10.17)

9.2 **Special Exceptions.** The following uses are permitted, subject to the provisions of Section 11 of these Regulations.

9.2.1 Temporary assemblies, such as fairs, flea markets, and festivals.

9.2.2 Recreation campgrounds.

9.2.3 Excavations.

9.2.4 Saw mills.

9.3 **Minimum Lot Size.** 80,000 square feet for uses under Section 8.1, above, and 80,000 square feet for uses listed in Section 9.1 and 9.2. (5/21/87)

9.4 **Dimensional Requirements.** (3/10/89)

9.4.1 **Frontage:** 150 feet.

9.4.2 **Setback:** Shall equal one and one-half (1-1/2) the height of the building. In no case shall the set back be less than 50 feet.

9.4.3 **Side and Rear Yards:** 35 feet.

9.4.4 **Floor Area:** No minimum.

9.4.5 **Maximum lot coverage by building:** 30%

9.4.6 **Maximum height of all buildings:** 65 feet. (rev. 12/5/2019)

9.5 **Industrial-30 Districts (I-30)** (7/91) (4/10)

9.5.1 The uses stipulated by Sections 8.1.1 through 8.1.4 and, 9.1.2 and 9.1.3 are permitted in this district only as stipulated by these regulations. Additionally, permitted uses are those Commercial and Industrial categories which are of such type and conducted at such a scale that they are compatible with the site characteristics of the property. The applicant shall present application information as required by this Section and all other applicable sections of these regulations in order to satisfy the Planning &

Zoning Commission that the proposed use will not over tax the parcel of property on which it is proposed to be located or otherwise adversely impact the area. The Commission shall utilize, at a minimum, the following evaluation criteria:

9.5.2 Public Safety. The nature and location of the proposed use and of any building or other structure in connection therewith shall be proven to have adequate access to it for the purpose of fire protection and other emergency equipment.

9.5.3 Traffic Considerations. The streets serving the proposed use shall be proven to be adequate to carry all prospective traffic; adequate provision shall be made for entering and leaving the site in such a manner that no undue traffic congestion shall be created; adequate off-street parking and loading facilities shall be provided as required by Section 14 of these regulations.

9.5.4 Utility Systems and Drainage Systems. The subject site shall be proven to the Commissions' satisfaction to be capable of supporting adequate water and sewerage systems for the proposed use and that adequate provision for storm water drainage can be provided without adversely affecting neighboring properties or adjacent public drainage systems.

9.6 (4/10)(7/91) **Industrial-30 Minimum Lot Dimensions, Standard Lot.**

9.6.1 Minimum lot size	30,000 square feet
9.6.2 Frontage	100 feet
9.6.3 Setback	30 feet
9.6.4 Side and rear yard	15 feet
9.6.5 Maximum lot coverage	30 percent
9.6.6 Maximum building height	35 feet

9.7 (4/10)(7/91) **Industrial-30 Minimum Lot Dimensions, Rear Lot.** Rear lots are permitted in Industrial-30 Districts, only as part of a subdivision or resubdivision as approved by the Planning & Zoning Commission, subject to the following conditions.

9.7.1 Every lot shall satisfy the dimensional requirements for Industrial-30 lots set forth in these regulations with the following exceptions:

9.7.1.1 The frontage requirement shall be a minimum of 25 feet wide and accessible to a town or state road by way of a driveway strip owned as part of the lot.

9.7.1.2 The driveway strip shall be a minimum of 25 feet throughout.

9.7.1.3 The length of the driveway strip shall not exceed 400 feet.

9.7.1.4 The driveway access strip shall not be located closer than 200 feet to a similar access strip on the same side of the street.

9.7.1.5 All rear lots shall have an area equal to at least 1.33 times the minimum lot area for the Industrial-30 District. The area of the driveway strip shall not be included as part of the minimum lot area requirement.

9.7.1.6 The minimum building setback line for the rear lot shall be measured from the front lot line excluding the driveway strip.

9.7.1.7 Rear lots shall meet the criteria set forth in the Subdivision Regulations of the Town of Bozrah.

SECTION 10 - SUPPLEMENTARY REGULATIONS

10.1 **Definition.** These are regulations that apply to more than one zone, or to a specific use or class of uses, regardless of their location in the Town.

10.2 **One Use Per Lot.** Except as otherwise provided in this section only one principal building or use is permitted on one lot.

10.3 **Accessory Buildings.** No permanent accessory building shall be constructed and occupied on any lot prior to the construction of the principal building or use.

10.4 **Junk.** Junk or refuse as defined in Section 2 shall not be collected or deposited in any zone in such a manner as to create a nuisance or unsightly condition.

10.5 **Noise.** The use of commercial amplifiers and sound equipment for any purpose is permitted only within buildings and then only as long as it does not create a nuisance.

10.6 **Animals.** Commercial horse riding stables are permitted only in RU-1 Districts and shall have a minimum of ten (10) acres.

10.6.1 Animals will not be stabled in trailers or temporary buildings. All buildings containing animals shall be set back at least seventy-five (75) feet from any property line. Fencing or other appropriate means shall be provided to contain animals on the property.

10.6.2 Nothing in these Regulations shall be construed as limiting the keeping of dogs,

cats or other animals as household pets. However, the keeping or raising of four (4) or more dogs over the age of six (6) months for the purpose of breeding for sale, sport, or show shall be considered a breeding kennel operation and. Breeding kennels and boarding kennels shall be conducted only in Industrial Districts on lots containing at least five (5) acres and shall meet other applicable requirements of these Regulations. (mod. 2/1/2019)

10.7 Mobile Homes. One mobile home may be placed temporarily upon a lot and occupied for one (1) year during the construction of a permanent dwelling on the same lot, provided the owner has a building permit for said dwelling and provided further that there are provisions on said lot for permanent potable water supply and sanitary sewerage disposal approved by the health officer of the Town of Bozrah or his deputy and provided further that the mobile home is occupied by the owner of the lot, or by members of his immediate family. The time limit of one (1) year may be extended for a further period of ninety (90) days by the Planning and Zoning Commission if construction on the lot is being duly prosecuted.

10.7.1 A mobile home may be used as an office and/or shop at any site of any non-residential construction in Bozrah for which a permit has been obtained for a period of not more than twelve (12) months or until such construction has been completed, whichever first occurs.

10.7.2 The Commission shall require the applicant to post a bond of \$1,000 to ensure that the mobile home is removed from the lot when the house or other building is completed. The bond shall be forfeited if the mobile home is not removed from the premises within ninety (90) days after a Certificate of Occupancy has been issued for the completed dwelling, unless the Commission grants an extension for cause.

10.7.3 No mobile home shall be parked, located, occupied or used off the public highways in the Town of Bozrah except as herein above provided.

10.8 Special Flood Hazard Area (SFHA) Requirements. (June 1, 2011)

The SFHA includes all areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011, and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011, and other supporting data applicable to the Town of Bozrah, and any subsequent revisions thereto, are adopted by reference and declared to be part of these regulations. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFE's provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFE's published in the FIS for a specific location.

The following requirements are intended to reduce the threat to public safety and loss of property

values resulting from periodic flooding and to ensure eligibility for continued participation by the Town of Bozrah in the National Flood Insurance Program. In cases where conflicts occur between the requirements of the underlying zoning district and these SFHA requirements, the more restrictive provision shall control. The following regulations apply within the SFHA:

10.8.1 (6/1/11) A zoning permit is required for any development within a SFHA. All applications for zoning permits or special exceptions for development shall include with such applications base flood elevation data for that portion of the development located within the SFHA on the Town's FIRM. The Commission shall utilize flood elevation data on the FIRM, or, where this is not available, the Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in the SFHA, meet the standards of these Regulations. In the event that data from sources other than the Flood Insurance Rate Map are utilized, the Commission shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point. When BFE's have been determined within Zone AE on the community's FIRM but a regulatory floodway has not been designated, the Commission must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.

10.8.2 Within the SFHA, (i) all new construction and substantial improvements of residential structures shall have the lowest floor elevated to or above the base flood level and (ii) all new construction and substantial improvement of non-residential structures shall have the lowest floor elevated or flood proofed to or above the base flood level, provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction and shall certify that the design methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Building Official.

10.8.3 (6/1/11) New construction or substantial improvements of elevated buildings that include fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. The bottom of at least one side of the fully enclosed area must be at or above grade. Designs for

complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- a) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- b) the bottom of all openings shall be no higher than one foot above grade;
- c) openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
- d) electrical, plumbing, and other utility connections are prohibited below the base flood level; and
- e) access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

10.8.4 Equal Conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

10.8.5 Compensatory Storage. The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including to 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

10.8.6 Prior to issuing a zoning permit for development within the SFHA, the Commission shall review plans for such development to determine that it will be consistent with the needs to minimize flood damage within the flood-prone area and to determine whether proposed building sites will be reasonably safe from flooding, and that (i) 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, shall be constructed with materials resistant to flood damage, and shall be constructed by methods and practices that minimize flood damage; (ii) on-site waste disposal shall be located to avoid impairment to them or contamination from them during flooding, (iii) new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems, (iv) new and replacement sanitary sewage systems shall be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters, and (v) electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.(6/1/11)

10.8.7 Under no circumstances shall a new or substantially improved manufactured home (including mobile homes, recreational vehicles, camping vehicles, park trailers, travel trailers and similarly transportable structures) be located within the SFHA. This includes SFHAs located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

10.8.8 (6/1/11) Within the Floodway as shown on the FIRM or Flood Boundary and Floodway Maps, or as determined under Section 10.8.1 of these Regulations, all encroachments, including fill, new construction substantial improvements to existing structures, and other development, are prohibited unless certification, with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating, through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that such encroachment shall not result in any (0.00 feet) increase in flood levels during a 100-year flood. Such analysis must be certified by a registered professional engineer.

10.8.9 Applicants for development within the SFHA on the Town's FIRM shall submit with their applications assurances that the flood-carrying capacity is maintained within any altered or relocated portion of any watercourse. The applicant shall also submit assurances that all necessary permits have been received from those government agencies from which approval is required by state or federal law. (6/1/11)

10.8.10 The Commission shall notify, in riverine situations, adjacent communities and the Connecticut Department of Environmental Protection (Water Resources Unit), prior to approving any alteration or relocation of a watercourse, and shall submit copies of such notices to the Federal Emergency Management Agency.

10.8.11 The Zoning Enforcement Officer shall record the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures, or the elevation to which such structures have been flood-proofed, in accordance with Subsection 10.8.2, above.

10.8.12 **Above-ground Storage Tanks** – Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

10.8.13 **Portion of Structure in Flood Zone** – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

10.8.14 **Structures in Two Flood Zones** – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

10.8.15 **No Structures Entirely or Partially Over Water** – New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.

10.8.16 For the purposes of this subsection of these Regulations relating to SFHA requirements, the following definitions shall apply:

- a) **Base Flood** means a flood having a one percent chance of being equaled or exceeded in any given year.
- b) **Base Flood Elevation (BFE)** The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
- c) **Basement** means any area of the building having its floor subgrade (below ground level) on all sides.
- d) **Building:** See definition for structure.
- e) **Cost** means, as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be

established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

f) Development means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities. (6/1/11)

g) Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 30, 1981, the effective date of the floodplain management regulations adopted by the community.

h) Expansion To An Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

i) Federal Emergency Management Agency (FEMA) means the federal agency that administers the National Flood Insurance Program (NFIP).

j) Finished Living Space means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but is not limited to, heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

k) Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from either overflow or inland or tidal waters, or the unusual and rapid accumulation/runoff of surface waters from any source.

l) Flood Insurance Rate Map (FIRM) means the official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (100-year floodplain) and the insurance risk premium zones applicable to a community.

m) Flood Insurance Study (FIS) means the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

n) Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (11/01/95)

o) Functionally Dependent Use or Facility means a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term only includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

p) Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

q) Lowest Floor means the top surface of the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

r) Market Value means, as related to substantial improvement and substantial damage, the market value of the structure as determined by the appraised value of the structure prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.

s) Manufactured Home means a structure, transportable in one (1) or more sections,

which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

t) Manufactured Home Park or Subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

u) Mean Sea Level means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations on the Flood Insurance Rate Map (FIRM) are referenced.

v) New Construction means structures for which the “start of construction” commenced on or after September 30, 1981 and includes any subsequent improvements to such structures. (11/01/95)

w) New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 30, 1981, the effective date of the floodplain management regulation adopted by the community.

x) Recreational Vehicle means a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

y) Special Flood Hazard Area (SFHA) is the area within a community subject to one percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Map (FIRM) are only approximately (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE on a FIRM. The SFHA is also called the Area of Special Flood Hazard. (6/1/11)

z) Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure 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. Permanent construction does not include land preparation, such as clearing,

grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

aa) Structure means a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

ab) Substantial Improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

ac) Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred. (11/01/95)

ad) Variance means a grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

ae) Violation means failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

af) Water Surface Elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10.8.17 (6/1/11) **Warning and Disclaimer of Liability.** The degree of flood protection required by these regulations is considered the minimum reasonable for regulatory purposes

and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Bozrah or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made there under.

10.8.18 Abrogation and Greater Restrictions. This regulation is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this regulation and other ordinance, regulation easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.9 Yard Sales. Yard sales, garage sales, tag sales and the like are permitted in any district provided there are no more than three (3) on the same lot in any calendar year and provided each such sale lasts no longer than three (3) consecutive days.

10.10 Swimming Pools. No part of any swimming pool or appurtenances thereto, such as desks, pumps, or bath houses, shall be located in the required setback distance.

10.11 Mixed Uses. A lot in a C or I District which contains a single-family dwelling may be used for a permitted non-residential use in addition to the established residential use, provided all other requirements for the use are complied with.

10.11.1 (3/1/93) The Commission may permit more than one (1) permitted nonresidential use on a single lot, and in separate buildings, to be constructed in a **Commercial (C) District** provided such buildings comply with all other requirements of these regulations such as setbacks and parking, along with satisfying all applicable State Health Code requirements, such as those governing water supply and sewage disposal systems.

10.11.2 (1/1/93) The Commission may permit more than one (1) permitted nonresidential use on a single lot, and in separate buildings, to be constructed in a **Industrial (I) District** provided such buildings comply with all other requirements of these regulations such as setbacks and parking, along with satisfying all applicable State Health Code requirements, such as those governing water supply and sewage disposal systems.

10.11.3 The combining of uses in the Village Overlay District is as stipulated in Section 5.A of these regulations. (8/1/13)

10.12 Aquifer Protection. (11/1/07) No principal or accessory use will be permitted which could pose a threat to the quality of groundwater in aquifers identified and mapped by the U.S. Geological Survey. At a minimum, the following additional regulations shall apply within the aquifer areas:

10.12.1 The manufacture, use, storage, transport or disposal of hazardous materials as a

principal use is prohibited.

10.12.2 Road salt storage and loading facilities are prohibited.

10.12.3 Disposal of solid waste in sanitary landfills and dumps is prohibited.

10.12.4 Disposal of septage in lagoons is prohibited.

10.12.5 Underground fuel or other hazardous material storage is prohibited.

10.12.6 New or expanded manure storage areas shall: (a) have roofs that prevent precipitation from coming into contact with the manure; (b) have liquid-tight floors; and (c) be located such that surface water runoff drains away from the storage area. Nothing in these Regulations shall preclude the temporary storage of manure on fields for spreading as fertilizer within one (1) year.

10.12.7 No part of a subsurface sewage disposal system shall be located closer than fifty (50) feet from any surface watercourse, or the minimum distance required by the State Health Code, whichever is greater.

10.12.8 All areas designated for the loading, handling, or storage of toxic wastes other than as prohibited in Section 10.12.1 above (including areas where motor vehicles may be repaired or serviced), shall have a ground or floor surface designed to collect and contain accidental spills of toxic material.

10.12.9 Special Requirements for Storm Drainage and Impervious Surfaces. The utilization of storm water control measures designed for clean water infiltration into the ground are required unless the site conditions warrant otherwise. Examples of such measures include grassed swales, infiltration trenches, vegetated filter strips, detention basins, oil separators (swirl-type concentrators), grass pavers, and other pervious pavements. The applicant shall present adequate information to the Commission to allow for this determination.

10.12.10 Definition of Hazardous Materials. Hazardous material means any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater. Any substance deemed a "hazardous waste" under the Connecticut General Statutes or the Regulations of Connecticut State Agencies shall also be deemed a hazardous material for the purposes of these Regulations. Hazardous materials include, but are not limited to, the following:

- a) Substances which are toxic, flammable, corrosive, explosive, radioactive or infectious;
- b) Petroleum products, including fuels and waste oils;

- c) Synthetic organic chemicals;
- d) Any solid material which if exposed to water will leach or dissolve to form a hazardous material as define above.

10.13 **Seasonal Dwellings.** Except as provided for in Section 15.1 of these Regulations, no building shall be constructed for seasonal residential use, and no building presently used for residential purposes on a seasonal basis shall be improved for year-round occupancy, unless it and the building lot meet all of the dimensional requirements of the district in which it is located and the sanitary requirements of the Public Health Code.

10.14 **Residences in C-and-I-Districts.** Any residential building in a Commercial or Industrial District may be improved, enlarged, or expanded, but no new residential building (Amended effective 2/28/88) may be constructed except as the dwelling unit of a watchman, caretaker or owner of a business or industry on the premises.

10.15 **Specialized Agricultural-Buildings.** The Commission shall seek to minimize the impact of any such use on nearby established residential, commercial, and institutional uses by requiring separation distances, buffers, and access route locations as appropriate. Commission approval of a site plan for such use shall be obtained before a zoning permit is issued.

10.15.1 No such building or any associated waste storage or treatment area shall be located closer than 125 feet from a street centerline or 100 feet from any other property line, except that the distance may be reduced to 50 feet when the adjoining property is a state open space or land physically unsuitable for building purposes, as determined by the Commission.

10.15.2 Such facilities shall be constructed in a manner that prevents seepage of waste into adjacent natural drainage features. Cement pads shall be provided in locations where trucks are loaded with poultry and animal wastes. No human waste processing is permitted in connection with any waste processing operation in Bozrah.

10.15.3 Access to the specialized agricultural building shall be deemed adequate, in the opinion of the Commission, to accommodate two-way truck adequate, in the opinion of the Commission, to accommodate two-way truck traffic and shall not be permitted over streets constructed specifically for access to properties in residential subdivisions.

10.15.4 Aspects of the use that might be deemed by the Commission to be out of character with the neighborhood, such as truck parking and loading areas, equipment storage areas, buildings and other structures related to the use, shall be located or screened to minimize their visual impact on adjacent properties in a reasonable manner.

10.15.5 Objectionable odors, air or water pollution, noise, or insects resulting from a waste processing facility shall be in conformance with the regulations of and shall not exceed the standards as established by the Connecticut Department of Environmental

Protection. Violation shall be sufficient cause for the issuance of an order to cease operations. After the issuance of such an order, no additional waste shall be delivered to the property until the problem has been rectified to the satisfaction of the Commission.

10.16 (1/1/93) **Height Exemptions for Industrial Districts.** Cupolas, belfries, smokestacks, flagpoles, antennae of all types, gas holders, grain elevators, silos, water towers, hose towers, elevator enclosures, water tanks, scenery lofts or towers, windmills and/or other active or passive energy devices are exempt from the height requirements **within Industrial Districts (I) only.** All such structures shall comply with any requirement(s) (height, etc.) of the State of Connecticut Building Code for the particular permitted use involved and the type of building construction employed.

10.17 (12/1/98) **Wireless Telecommunication Facility.**

10.17.1 The order of preference for facility locations shall range from **a** as the most preferred to **d** as the least preferred as listed below.

- a. On existing structures such as nonresidential buildings/facades, water towers/tanks, utility poles, steeples, clock or bell towers, chimneys, grain elevators, and silos.
- b. On existing or approved towers.
- c. On new towers located on property occupied by one or more existing towers.
- d. On new towers.

10.17.2 Wireless telecommunication facilities are defined by Section 2 of these regulations. Antenna may be mounted on the rooftop or facade of a nonresidential building or existing towers, water tanks, utility poles, steeples, chimneys, and silos, provided the following standards are met:

- a. Facilities shall be a material or color which matches the exterior of the building, and shall blend into the existing architecture to the extent possible.
- b. Facade mounted antennas shall not protrude above the building structure and shall not project more than three feet beyond the wall or facade.
- c. Roof mounted antennas shall not exceed the highest point of the rooftop by more than 10 feet.
- d. Roof mounted antennas shall be set back from the roof edge a minimum of ten feet or ten percent of the roof width, whichever is greater.

- e. Facilities shall be of a material or color which matches the exterior of the structure and shall blend into the existing architecture of the structure to the extent possible.

10.17.3 General Standards for wireless telecommunication facilities below are in addition to other applicable requirements in these regulations.

- a. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a radio frequency engineer, shall accompany an application.
- b. A tower must comply with the setback requirements of the zone in which it is located, or be set back from all property lines a distance equal to the height of the tower, whichever is greater.
- c. Towers not requiring FAA paintings or markings shall be painted a non-contrasting blue, gray, or other neutral color.
- d. No lights or illumination shall be permitted unless required by the FAA.
- e. No signs or advertising shall be permitted on any tower or antenna, except “no trespassing”, “warning”, and “ownership signs” are permitted at ground level.
- f. A proposed tower shall be designed and constructed to all applicable standards of the American National Standards Institutes, as amended.
- g. All new utilities shall be placed underground except when the Commission determines: i) that physical conditions make underground installation impractical, or ii) the property size is large enough and of such character to effectively screen such utility placement from neighboring properties.

10.17.4 Site Plan Requirements: All applications to develop a wireless telecommunications facility shall meet the site plan requirements listed in Section 12 of these regulations. In addition, the following information shall be submitted for each application where applicable. The Commission may require independent engineering/technical review of submitted materials at the applicant’s expense.

- a. A map indicating the service area of the proposed wireless telecommunications site. A map indicating the extent of the provider’s existing and planned coverage within the Town of Bozrah, and a map indicating the search radius for the proposed wireless telecommunications site, including the location of tall structures within one quarter mile of the proposed site.

- b. A report from a radio frequency engineer indicating why the proposed site location is necessary to satisfy its function in the applicant's proposed wireless telecommunications system.
- c. A plan showing where and how the proposed antenna will be affixed to a particular building or structure.
- d. Details of all proposed antenna and mounting equipment including size and color.
- e. Elevations of all proposed shielding and details of material including color.
- f. An elevation of all proposed equipment buildings, boxes or cabinets. Details of all proposed fencing including color.
- g. Tower base elevation and height of tower.
- h. A design drawing, including cross section and elevation, of all proposed towers. A description of the tower's capacity, including the number and type of antennas it can accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. The design shall indicate how the tower will collapse without encroaching upon any adjoining property if failure occurs.
- i. A report from a radio frequency engineer indicating that the proposed wireless telecommunication facility will comply with FCC radio frequency emission standards and that the installation will not interfere with public safety communications.
- j. All proposed landscaping, if appropriate, with a list of plant materials.
- k. Proposed access to the site.

10.17.5 Review Standards: In addition to other review standards found in these regulations, the Commission, in reviewing applications for wireless telecommunication facilities, shall consider:

- a. Detailed analysis of alternative sites, structure, access, and antennas as provided by the applicant. Particular attention will be placed upon the siting preferences found in Section 10.17.1 a-d of these regulations.
- b. Tower sharing or co-location to facilitate the telecommunication needs of municipalities and other entities in order to reduce the need to construct additional towers.

- c. Assessment of tower structure type.
- d. Assessment of design characteristics/architectural treatments that mitigate, reduce or eliminate visual impacts on adjacent areas.
- e. If located on a property listed on the National Register of Historic Places, preservation of the historic and/or architectural character of the landscape or structure.
- f. Consideration of future use or re-use of the site, with provisions for facility removal and site restoration.

10.17.6 Abandonment. A wireless telecommunication facility not in use for 12 consecutive months shall be removed by the facility owner at their expense. This removal shall occur within 90 days of the end of such 12-month period. The commission may require a bond or other surety satisfactory to the Town of Bozrah, to guarantee removal, which shall be reviewed and renewed every two years. If there are two or more users of a single tower, this provision shall not become effective until all users cease utilizing the tower.

10.18 **Family Apartment.** (6/01/03) A family apartment is allowed in a Residential District after the issuance of a zoning permit by the Planning & Zoning Commission, subject to the following conditions:

10.18.1 A family apartment is defined as a separate set of rooms, including a kitchen, used for living by family members (related by blood, marriage, or adoption), and is not to be rented or used for income purposes.

10.18.2 The family apartment shall be attached to a single-family dwelling by a common wall.

10.18.3 A family apartment shall not exceed six-hundred (600) square feet of floor area.

10.18.4 Only one family apartment shall be permitted per residential lot.

10.18.5 At least one (1) additional off-street parking space shall be required for a family apartment.

10.18.6 The owner of the residence shall occupy one (1) unit.

10.18.7 No more than two (2) people shall occupy a family apartment.

10.18.8 The Town Sanitarian shall be satisfied that the septic system and water supply can accommodate the additional use. The applicant shall submit a written approval from

the Town Sanitarian to the commission. The Town Sanitarian's disapproval shall constitute sufficient reason for denial.

10.18.9 After an approval by the Commission the applicant shall file on the land records an affidavit attesting that the family apartment will be used and represented only as provided by this section of the zoning regulations.

10.19 **Dog Daycare.** Dog Daycare, as defined in Section 2.10 may be conducted in any zoning district allowing Personal Services. Dog Daycare may be conducted in a mixed-use setting, along with a single-family dwelling, pursuant to Section 10.11, 5.A.2.2, or 5.A.2.4. Parcels containing a Dog Daycare must have a minimum area of 160,000 square feet. (2/1/2019)

10.19.1 A site plan meeting the requirements of Section 12 shall be submitted with an application for Dog Daycare, except that a simple site sketch and narrative may be accepted be required for Dog Daycare conducted in a mixed-use setting, along with a single-family dwelling, where no new outbuildings or additions to the existing residence are proposed.

10.19.2 The applicant must provide a narrative containing information sufficient to demonstrate that the proposed Dog Daycare is not a Boarding Kennel, as defined in Section 2.22. The following requirements also apply:

a. Business hours may not begin earlier than 6AM and may not end later than 7PM

b. Off-street parking shall be provided in accordance with Section 14, meeting the requirements of 14.2.3 and 14.2.6.

c. The Dog Daycare must provide one or more Outdoor Play Areas where dogs can interact and socialize. When on the property, dogs must remain inside or in an Outdoor Play Area. Outdoor Play Areas must be located to the rear of the property, unless the Commission determines that alternative placement is necessary, and be sufficiently fenced to a height of four (4) feet. The perimeter of the Outdoor Play Area must be set back fifty (50) feet from adjacent properties. If an adjoining property is in common ownership, that property shall be taken into consideration when determining setback. Should the adjoining lot be sold to an owner not affiliated with the Dog Daycare, the fifty (50) foot setback shall be required. No runoff from the Outdoor Play Area shall enter onto a street or adjacent properties.

e. Receptacles for dog waste must be set back from adjacent properties by one hundred (100) feet. No dog waste may enter a sanitary sewer or sub-surface disposal systems. All dog waste must be removed from Outdoor Play Areas at least once daily. Receptacles for dog waste must be emptied at least once weekly.

- f. The local health district or water utility company must attest that the water supply is sufficient to accommodate the proposed use.
- g. All outdoor lighting must be of downcast type, except that motion-sensor lighting attached to the principal structure is allowed.
- h. Sale of dog-related products may be accessory to a Dog Daycare and available only to customers using the Dog Daycare services.
- i. The owner must maintain and keep daily records, for a period one year, showing each dog present on each day of business.

10.19.3 In addition to the requirements contained in 10.19.2 and 10.19.1, the following shall apply to all Dog Daycares conducted in a mixed-use setting, along with a single-family dwelling, pursuant to Section 10.11, 5.A.2.2, or 5.A.2.4.

- a. The number of dogs allowed at once may not exceed eight (8).
- b. Business hours may not begin earlier than 6AM.
- c. The minimum number of parking spaces shall be met for both uses, except that if an employee of the Dog Daycare also resides on-site, the number of parking spaces may be reduced by one (1).

10.20 **Cannabis Establishments.** The Planning & Zoning Commission hereby adopts a Moratorium on cannabis establishments, which, in addition to any definition in the Connecticut General Statutes, provide for the retail sale of recreational cannabis and cannabis-derived products, whether as a primary retail product or in addition to non-cannabis retail products, except for products containing less than 0.3% Tetrahydrocannabinol. This moratorium is adopted for a period of time not to exceed 180 days, in order to provide time for the Commission to determine if it will allow or restrict the use in any way. If no action is taken prior to 180 days from the effective date of this section, cannabis establishments shall be presumed to be not allowed in any zones. (Effective Date: 06/28/21).

SECTION 11 - SPECIAL EXCEPTIONS

11.1 **General.** Uses listed as Special Exceptions in these regulations shall meet the special requirements of this section in addition to all other requirements of these Regulations. Such uses are considered special because they may prove to be incompatible with surrounding land uses unless established with special care and conditions.(8/1/13)

11.2 **Application, Site Plan and Fee.** Applications for special exceptions may be obtained from the Zoning Enforcement Officer. All applications for special exceptions shall be accompanied by

the information required in this Section as well as Section 12.6, 12.7, and 12.8 of these Regulations, and by a fee in the amount stipulated by Town Ordinance to cover the costs related to the required public hearing and any new or rebuilt road, drainage or other site improvement if applicable and consultant fees if applicable. The bonding requirements of Section 12.4 are also applicable. (11/10/89)(2/1/12)

11.3 Required Hearing and Decision. The Commission shall conduct a public hearing on any application for a special exception. Such hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. The Commission shall render a decision on the application and related site plan within sixty-five (65) days after completion of such hearing. The applicant may consent to an extension of any period specified in this paragraph, provided all such extensions shall not be longer than sixty-five (65) days, or may withdraw such application.(6/1/06)

11.3.1 A special exception shall not be granted unless the Commission finds the following:

- a. That the proposed activity will not create any conditions that could endanger public health, safety, and welfare.
- b. That vehicle access is adequate to assure that traffic hazards will not result.
- c. That no adverse impacts to natural resources occur.
- d. That there will be no adverse effects or impacts on the character of the neighborhood or its property values.
- e. That the proposed activity will not hinder the orderly and appropriate development of adjacent property.
- f. That natural or structural screening is provided to minimize visual pollution.
- g. That adequate provision is made for storm drainage to eliminate flooding, icing, or erosion problems in the vicinity.

11.3.2 The Commission may set conditions for approval of a special exception to assure conformance with subsection 11.3.1, above.

11.4 **Recording.** No special exception shall become effective until a copy thereof, certified by the Chairman or Secretary of the Commission, containing a description of the premises to which it relates and specifying the nature of the special exception, including the zoning provision to which a special exception is granted, and stating the name of the owner of record, is recorded in the Town's land records. The Town Clerk shall index the same under the grantor's index under the name of the then record owner and the record owner shall pay for such recording.

11.5 Clubs, Educational, Institutions, Veterinary Hospitals, Kennels, Golf, Tennis, or Similar Clubs, Clinics, and Convalescent Homes. These uses shall have driveways that provide safe access and egress from public roads. Such uses shall have paved or gravel off-street parking areas sufficient in size to ensure that no vehicles patronizing the establishments need park on a public road. The proposed uses shall not create or aggravate vehicular and pedestrian

traffic safety problems nor shall they substantially affect environmental quality in an adverse manner. Water, sewer, and storm drainage facilities shall be adequate to serve the proposed uses. The kind, size, location and height of buildings and structures shall not hinder or discourage the appropriate use of adjoining property. The Commission may require planted buffer strips or other features designed to reduce the visual and auditory impacts such uses may have on the area.

11.6 Temporary Assemblies. Temporary assemblies, such as fairs, flea markets, and festivals shall be for a period not to exceed thirty (30) days, although an extension of not more than thirty (30) days may be granted by the Commission. Adequate provisions shall be made for safe access, off-street parking, water supply, sewage disposal and emergency medical treatment for those attending the activity.

11.7 Excavations. Excavations may be permitted by the Commission providing the detrimental effects of the activity are minimized and provided the future usefulness of the premises is assured once the excavation activity is completed. The quarrying of stone or rock is specially prohibited in all zones. Permits for excavations shall not be issued for periods exceeding three (3) years and may be renewed only if it can be shown that the activity is being conducted in conformance with the conditions of the previously-issued permit and according to the approved Special Exception Application.(7/15/11)(8/1/13)

11.7.1 The application shall be in accordance with provisions of these Regulations (See Section 11.2) and shall show the total area of expected excavation, the sequence of excavation, existing and proposed contours at two-foot intervals, interior access roads, equipment parking areas, and temporary stockpiling areas for topsoil and other materials.

11.7.2 The application shall be accompanied by a written description of the proposed operation, including the average amounts of material expected to be removed each year during the period of the permit, the number and capacities of trucks to be used, a description of all equipment to be used on the site and how and where it will be stored, parked and serviced.

11.7.3 In all Residential Districts, excavation activity, including the loading and movement of trucks, shall be conducted only between 7:00 AM and 7:00 PM.

11.7.4 No access road or any part of the excavation or the parking of equipment shall be closer than twenty (20) feet from a property line, except that excavation may occur to the property line when the finish grade will be the same as the grade of the adjoining property along the property line.

11.7.5 Deviations from the planned phases of the excavation may be approved by vote of the Commission, provided such changes do not alter the general long-range plan of excavation for the site.

11.7.6 During the period of excavation, barricades, fencing and gates shall be erected as

deemed necessary by the Commission for public safety.

11.7.7 Measures shall be taken to minimize dust blowing onto neighboring properties from any part of the excavation operation.

11.7.8 The application shall show provisions for proper drainage of the area of the operation after completion and no bank left at completion shall exceed a slope of one (1) foot of vertical rise in two (2) feet of horizontal distance.(2/1/12)

11.7.9 At the conclusion of the operation or of any substantial portion thereof, the whole area wherein removal takes place shall be covered with not less than four (4) inches of topsoil and seeded with a suitable cover crop.

11.7.10 No stone crusher or other machinery not required for actual removal of material shall be allowed, permitted or used. Drilling and/or blasting is prohibited. (7/15/11)

11.7.11 Before a permit is granted, the applicant shall post a surety company performance bond with the Town of Bozrah in an amount approved by the Planning and Zoning Commission as sufficient to guarantee compliance with the provisions of this section.

11.8 Recreation Campgrounds. The layout and operation of recreational camping grounds shall conform to the provisions of Section 19-13-B97 of the Connecticut Public Health Code, as amended, and the following provisions.

11.8.1 The use of the premises shall not adversely affect the public health, safety, convenience or property values in the area.

11.8.2 No campsite shall be located within 200 feet of any public highway.

11.8.3 The Commission may require a buffer strip planted with four-year old deciduous or evergreen trees and shrubbery be located around the perimeter of the property at least thirty (30) feet in depth.

11.8.4 Only one permanent residence shall be permitted on the premises which shall conform in all respects to all other provisions of these Regulations.

11.8.5 No campsite or camper unit shall be occupied except during the camping season of April first through the following November first. At no time shall camper unit occupants be considered residents of Bozrah solely on the basis of the unit occupancy within the Town. (3/10/89)

11.8.6 One or more service buildings shall be provided containing adequate toilet and bath facilities.

11.8.7 A commercial building offering a service and merchandise for sale to patrons of the campsite may be provided if it is not advertised upon any public highway.

11.8.8 Adequate provision is made for safe travel within the campsite and access by emergency vehicles.

11.8.9 No camper unit or tent shall be located within twenty-five (25) feet from any other camper unit or tent.

11.8.10 The application for the campground shall include, but not be limited to, the following: (2/1/12)

- a. Name of owner, names of adjoining owners.
- b. Number and dimensions of campsites.
- c. Location of service buildings.
- d. Location of commercial buildings.
- e. Season of operation if seasonal.
- f. Location of residence of custodian.
- g. Location of buffer strips.
- h. Available water supply, capacity and test results.
- i. Location of proposed sewage disposal system with results of percolation tests conducted in accordance with the Connecticut Public Health Code.

11.9. **Elderly Housing.** The purpose of this Section is to provide opportunities for the establishment of housing specifically designed and intended for use by the elderly in the R-2 Residential District as a special exception under conditions that consider the special health, safety and general welfare of this element of the population. Housing for the elderly shall meet the following conditions:

11.9.1 The property shall include at least five (5) acres.

11.9.2 The maximum number of units shall be four (4) units per acre.

11.9.3 All units will be served by a public water supply system.

11.9.4 In order to insure use as elderly housing, no such project will be approved unless it is constructed with mortgage financing or other financial assistance insured or procured through or with the assistance of a Town, State or Federal governmental agency.

11.10 **Aircraft Landing Field.** Such use shall be permitted where the Commission finds that it will not pose a substantial threat to the safety and general welfare of nearby residences.

11.10.1 No runway shall be established that would result in an existing residence, church, school, library, or place of public assembly being located within an area 500 feet wide

and extending 1,500 feet beyond the end of such runway.

11.11 Deleted effective 2/28/88.

11.11.1 Deleted effective 2/28/88.

11.11.2 Deleted effective 2/28/88.

11.11.3 Deleted effective 2/28/88.

11.11.4 Deleted effective 2/28/88.

11.11.5 Deleted effective 2/28/88.

11.12 **Video Game Arcades.** Video game arcades shall be permitted only if they meet the following conditions:

11.12.1 Adequate space shall be provided for each machine so as to allow its use without overcrowding. A minimum width of two (2) feet shall be provided per machine where the machine is designed for use by one (1) player, and three and one-half (3 1/2) feet where the machine is designed for use by two (2) players. The depth of the space in front of the machine shall be at least five (5) feet, and they shall be a minimum aisle width beyond this five (5) feet of an additional three (3) feet.

11.12.2 An arcade shall not be located closer than 500 feet from the property of a church, school, or public building.

11.12.3 The Commission may require a planted buffer strip where it finds that the arcade may have a detrimental impact on an adjacent property used for residential purposes.

11.12.4 The Commission may permit an arcade as an accessory use to an existing use, such as a bar, camp ground, or other commercial or private recreation development, provided that safeguards are taken to assure the use will be compatible with the neighborhood.

11.12.5 Off-street parking shall be adequate to assure that no patron or employee vehicles park on the street.

11.12.6 Except where permitted under the terms of subsection 11.12.4, above, no drinking of alcoholic beverages shall be permitted on the premises.

11.12.7 Readily visible signs shall be installed, with their location, size, and text shown in the plans submitted to the Commission, indicating that the use of machines by persons under sixteen (16) years of age shall not be permitted during normal school hours.

11.12.8 The complex shall be located in a separate room, separated from other uses on the premises and from pedestrian circulation to and from such other uses. The room shall be arranged so that there is a management attendant within the room, or such that management attendants outside the room can easily see and supervise the interior of the room.

11.13 **Saw Mill.** Such uses shall be located on lots containing not less than then (10) acres and machinery used in the mill activity shall be located at least 125 feet from a property line.

11.13.1 Driveways, parking, and vehicle maneuvering area shall be located to minimize adverse visual and safety impacts on nearby residential property.

11.13.2 The Commission may require vegetative screening, fencing, earth berms, or other buffers to decrease noise impacts on the surrounding area.

11.13.3 Saw mills shall not be operated before 7:00 AM or after 7:00 PM, and shall not operate at all on Sundays.

11.14 **Bulky Waste Landfill.** This use may be conducted only if it is the officially designated bulky waste disposal site for the Town of Bozrah and provided it meets all applicable requirements of the Connecticut Department of Environmental Protection. The Commission shall require buffers in the form of vegetation, earth berms, or fencing, as necessary, to block the view of the facility from nearby residences or public roads and may establish limits on the hours of operation and routes of truck travel to the site. (These conditions would apply to a proposed bulky waste landfill and are in addition to the general conditions that apply to all Special Exceptions under Section 11 of these Regulations.) (4/20/87)

11.15 (7/91) **Industrial-30 District.** (Section 11.15 through 11.18 deleted and re-assigned to Section 9.5 effective May 1, 2010.)

11.19 (5/14/92) **Bed and Breakfast Operations.** The purpose of this provision is to allow for the offering of overnight accommodations and meals to travelers for a fee in residences in any area where the home and site has unique characteristics which lend themselves to a INN type setting. It is not the intent of this section to permit Bed and Breakfast establishments in conventional residential development settings in Town.

11.19.1 A bed and breakfast operation is defined as an owner-occupied dwelling, having four or less guest rooms, without separate kitchen facilities, in which overnight accommodations and meals are provided to travelers, for a fee and for not more than fifteen consecutive days.

11.19.2 The Commission may permit, after application review, a bed and breakfast operation in any residence located in any district in town if the proposal complies with the

purpose and definition as stated above, and provided the following conditions are met:
(2/1/12)

- a. The operation shall be an accessory use of an owner-occupied residential building as defined by, and inclusive of all requirements of the zoning regulations. It is not to be used as a place of residence for other than the property owner.
- b. The proposed building shall have a minimum of 2,200 square feet.
- c. The operation shall be contained within the existing footprint of the building.
- d. No more than 50% of the floor area of the building shall be used for guest sleeping accommodations.
- e. No more than 4 guest accommodations are provided. The occupancy of each guest room shall not exceed four individuals.
- f. The lot size shall be a minimum of 60,000 square feet.
- g. Written certification shall be obtained from the Town Sanitarian that plans for the water supply and sewage disposal systems are adequate to support the intended use.
- h. The operation shall meet all applicable Building and Fire Code requirements.
- i. Off-street parking spaces shall include at least two for the residents of the property and one for each guest room. Parking shall be behind the front building line.
- j. The commission may require fencing, earth berms, evergreen vegetation, or other buffers to reduce visual conflicts with neighboring uses.
- k. Bed and Breakfast operations shall be permitted no more than one suitable freestanding sign to identify the property, provided said sign does not exceed six square feet as measured on one side, contains no lighting, with the exception of indirect spotlighting, and which shall be specifically reviewed and subject to approval as part of the site plan review for its consistency and compatibility with the area in which the Bed and Breakfast is located.

11.19.3 The Commission may waive one or more of the requirements of Sections 12.6, 12.7, and 12.8, when it is satisfied that the information is not necessary to make an informed decision on the application. (2/1/12)

11.20 (12/1/98) **Special Permit - Wireless Telecommunication Facility.** In addition to the

general special permit requirements found in this section, and the standards and requirements of Section 10.17, the following conditions shall be met.

- a. A view shed analysis showing all areas from which the tower would be visible, and if requested by the Commission, a simulation of the proposed site in order to help the Commission determine the visual impacts associated with the proposal.
- b. Documentation prepared by a radio frequency engineer that no existing or planned tower or other structure can accommodate the applicant's antenna. For tall structures located within one quarter mile radius of the proposed site, documentation that the owners of these locations have been contacted and have denied permission to install the antenna on these structures for other than economic reasons.
- c. Proximity of the tower to residential structures.
- d. Nature of uses on adjacent and nearby properties within 1,000 feet.
- e. Surrounding topography within 1,000 feet at contour intervals not exceeding ten feet.
- f. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Ancillary Buildings. All ancillary buildings associated with wireless telecommunication facilities shall comply with the following:
 1. The maximum allowable size of each building shall be determined by the Commission after consideration of adjacent uses.
 2. Each building shall comply with the setback requirements for principal buildings for the zoning district in which it is located.
 3. If located on the roof of a building, it shall be designed to blend with the color and design of the building.
 4. All ground level buildings, boxes, or cabinets shall be surrounded by a chain link or comparable fence and be landscaped appropriately in order to screen the facility.

SECTION 12 - SITE PLAN

12.1 **Applicability.** A site plan, as prescribed in this Section, shall accompany the application for any permitted use, or for any expansion thereof, except for single-family homes and permitted accessory buildings and uses. The site plan shall be approved by the Commission prior to the

issuance of a zoning permit by the Zoning Enforcement Officer. Applications for single-family and two-family dwellings and permitted accessory buildings and uses shall be submitted to the Zoning Enforcement Officer together with such information as he may prescribe, and such applications may be approved by him.(8/1/13)

12.2 **Decision Time Limit.** A decision by the Commission on a site plan shall be rendered within sixty-five (65) days after receipt of such site plan. The applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one further sixty-five (65) day periods, or may withdraw such plan. (6/1/06)

12.3 **Purpose of Site Plan.** The site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity is consistent with both the specific requirements as well as the spirit of these Regulations; that it will be of such character as to harmonize with the neighborhood or accomplish a transition in character between unlike areas, that it will protect neighboring property values, preserve historic or significant natural features, enhance the character and beauty of the community, avoid undue traffic congestion; that it will not contaminate surface and groundwater supplies; and that it will not result in soil erosion or the sedimentation of natural and manmade drainage features.

12.4 **Bond.** The Commission may require a performance bond in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips, and any other site improvements, other than buildings.

12.4.1 The applicant shall provide an estimate of improvements to be bonded, together with a descriptions of the basis for the estimate.

12.4.2 No zoning permit or special exception shall be issued until the bond is received.

12.4.3 The bond shall be held by the Town Treasurer until its release is voted by the Commission. The Commission shall not release the bond until its receives certification from the Zoning Enforcement Officer that all of the requirements of these Regulations have been met.

12.5 **Time Limit on Construction.** A site plan shall become null and void with the expiration of the time periods stipulated by the Connecticut General Statutes (CGS). The time period begins at the date of approval and all work in connection with the site plan shall be completed within the time frames stipulated by the CGS.(8/1/13)

12.6 **Site Plan or Special Exception Application Ingredients.** The site plan or Special Exception Application shall be prepared, signed, and sealed by a Connecticut registered professional engineer or architect whichever is appropriate. All applications shall include an accurate class A-2 survey of the property and all improvements prepared by a land surveyor registered in the State of Connecticut. Site plans or Special Exception Applications shall be drawn at a scale not smaller than one (1") inch equals forty (40') feet. The plan shall contain the

following, as applicable: (7/11/85) (3/10/89)(2/1/12)

12.6.1 Name of applicant and owner of property.

12.6.2 Scale and north arrow.

12.6.3 Property boundary, dimensions, angles, area and zoning classification.

12.6.4 Names of record owners of abutting properties.

12.6.5 A key map which clearly identifies the location of the property at a scale of not less than one (1") inch equals 2,000 feet.

12.6.6 Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, walkways, storage areas, drainage features, fences and walls, natural and artificial water features, wetlands and exposed ledge rock.

12.6.7 Locations and dimensions of all easements or rights-of-way on or adjacent to the site.

12.6.8 A rendering of any proposed sign and its location, dimensions and means of illumination.

12.6.9 Locations and methods of water supply and sewage disposal facilities.

12.6.10 Landscaped areas, including types of trees and shrubs to remain or to be planted.

12.6.11 Certification by the Town Health Officer (or his agent) concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.

12.6.12 Where grading is required, existing and proposed contours at two foot (2') intervals unless the Commission agrees that ground surface conditions can be adequately represented by contours with larger intervals or by spot indications of elevations. Sufficient information shall be required to clearly show existing and post-construction surface drainage patterns.

12.6.13 The Commission may waive one or more of the site plan or special exception application ingredients if it agrees that the information is not needed to adequately evaluate the proposal.(2/1/12)

12.7 Erosion and Sediment (E&S) Control Plan. (7/11/85) Whenever the proposed development results in the disturbance or more than one-half (1/2) acre of land, the applicant will submit with the site plan or special exception application an erosion and sediment control plan that presents, in mapped and narrative form, the measures to be taken to control erosion and sedimentation both during and after construction. The E&S plan may be based on "Connecticut

Guidelines for Soil Erosion and Sediment Control," available from the Natural Resources Center of the Connecticut Department of Environmental Protection. A single-family dwelling that is not part of a subdivision of land shall be exempt from these E&S plan requirements.(2/1/12)

12.7.1 The E&S Control Plan shall include the following:

- a. A description of the project and a schedule of the major activities to be constructed on the land.
- b. Locations of areas to be stripped of vegetation.
- c. Locations of areas to be regraded and contour data indicating existing and proposed grades.
- d. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like.
- e. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas.
- f. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, and the like. The narrative shall indicate design criteria used in the design of control measures.
- g. A description of procedures to be followed to maintain sediment control measures.

12.7.2 After review of the E&S Control Plan by the Commission or its designee, the Commission shall vote to certify that the plan/application is in compliance with these Regulations. (A vote of the Commission to approve a site plan or special exception application shall imply approval of the E&S plan as well.)(8/1/13)

12.7.3 The Commission, through its members, agents, and consultants, shall periodically inspect construction projects for which site plans have been approved to verify that erosion and sediment controls are consistent with the certified plan.

12.8 **Site Plan or Special Exception Application Standards.** The following standards shall apply to all site plans and special exception applications:(2/1/12)(8/1/13)

12.8.1 All buildings and use shall be located so as to be accessible by emergency vehicles.

12.8.2 The streets serving the proposed use shall be adequate to safely carry the vehicular traffic generated by the proposed activity, and there will be provision for entrance and exit points which will not create a traffic hazard or undue traffic congestion.

12.8.3 A planting strip along the frontage of the site shall be provided to a depth of not less than twenty (20') feet. Such strip shall be sodded or seeded to grass and may be planted with trees or shrubs, provided they do not interfere with visibility from driveways in both directions along the street.

12.8.4 The Commission may require a paved walkway the full width of the planting strip, four (4') feet wide and set back ten (10') feet from the edge of the roadway, where pedestrian traffic is likely.

12.8.5 The planting strip may be traversed by not more than one (1) driveway, unless the Commission finds that more than one (1) is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one (1) property appears achievable in the future.

12.8.6 Driveways shall be provided with an all-weather surface and shall be thirty (30) feet wide for two-way traffic and fifteen (15) feet wide for one-way traffic. No driveway shall be closer than forty (40) feet to another driveway or fifty (50) feet from a street corner. The Commission may require paved driveways and parking areas and the necessary drainage improvements to prevent surface water runoff from adversely impacting neighboring properties or Town roads.

12.8.7 The Commission may require planted buffer strips of twenty-five (25) feet in addition to the required yard setback along a property line where the adjoining property contains or may contain an incompatible or dissimilar land use. Such landscaped buffer strip shall be suitably seeded to grass and/or shall be suitably planted with trees or shrubs. Acceptable existing trees shall be preserved and supplemented by additional plantings as deemed necessary by the Commission to meet the requirements of privacy of adjacent yards and to eliminate noise, dust and objectionable lighting. The Commission may vary the above requirements as to planting in accordance with the effectiveness of screening proposed and the architectural character of the neighborhood in which the use is located. (3/10/89)

12.8.8 Applicants are urged to consider solar access in the layout of features on the site plan. Building locations and positioning should be such that south facing walls are not shaded by buildings, topographic features, or trees on the same or adjoining lots. Buildings should not be located where they would cast shadows on the buildable part of an adjacent lot between the hours of 9:00 AM and 3:00 PM on December 21 of any year.

12.8.9 The bulk storage of materials and all loading facilities shall be located at the rear or side of the proposed or existing buildings and shall be fully screened so as not to be visible from adjacent property or public streets.

12.8.10 The remaining area of the lot not occupied by buildings and loading and unloading areas, parking and storage areas, vehicular access, sidewalks and landscape screen shall be well maintained, and any areas disturbed from their natural condition and which are not used for structures, parking areas or street shall be covered with four (4) inches of topsoil and planted with grass or other suitable groundcover.

12.8.11 Lighting from the installation of outdoor flood or spotlighting and illuminated signs shall be properly shielded so that such lighting will not adversely affect any abutting property in an unreasonable manner or traffic on a public street.

SECTION 13 - SIGNS

13.1 **General.** No sign shall be built or erected in the Town of Bozrah except in conformance with these provisions. "Sign" as herein used shall include painting and mounting letters on the side of a building. A double-faced sign shall be counted as one sign provided the faces are identical and mounted or constructed back-to-back.

13.1.1 No sign or its illuminator shall, because of its size, shape or method of illumination, be permitted to confuse or obstruct the view or effectiveness of any traffic sign or signal or in any way result in a hazard to the safe and efficient flow of vehicular traffic.

13.1.2 No sign shall be equipped with flashing lights or moving parts.

13.1.3 No more than one sign shall be permitted on -any lot or parcel of land, but these Regulations shall not be construed to prohibit the use of directional signs of not more than two (2) square feet in area. A lot containing more than one use may have one sign per use.

13.1.4 No signs shall advertise a product, service or activity other than one which is directly related to the actual use of the premises on which the sign is to be located.

13.1.5 Signs painted on buildings shall not exceed the areas prescribed in this section.

13.1.6 In no event shall the sign be established, built or erected or displayed, except a directional sign as above, before the design has been submitted to and approved by the Zoning Enforcement Officer. This shall not apply to temporary signs as described in 13.4 below.

13.1.7 No sign shall project more than twenty-five (25) feet above the ground surface.

13.2 **Residential District.** Signs in Residential Districts shall not exceed six (6) square feet and shall be located no closer than ten (10) feet from any property line, except that the Commission may approve a sign not larger than twenty-four (24) square feet for a non-residential use in such districts. One (1) sign is permitted per lot in Residential Districts.

13.2.1 (7/11/85) The Commission may permit one portable sign, not exceeding thirty-two (32) square feet in area, to be erected on a property for which a special exception has been approved for activities that are conducted only on weekends, provided the design and location of such sign shall be approved by the Commission.

13.3 **Commercial and Industrial Districts.** Each business or industry in these districts is permitted one (1) free-standing sign and one (1) building-mounted sign, and no such sign shall be closer than twenty-five (25) feet from any side or rear property line or closer than ten (10) feet from any road travelway or shoulder (7/11/85). Such signs shall not be larger than forty (40) square feet, except that the size may be increased by two (2) square feet for every foot of setback beyond fifty (50) feet, up to a maximum of 200 square feet.

13.4 **Temporary Signs.** One temporary sign per lot of a real estate broker, contractor, painter, builder or other similar occupation may be erected in any zone provided it shall not exceed thirty-two (32) square feet in area and shall be set back at least ten (10) feet from any property line.

13.4.1 (7/11/85) Two (2) temporary signs advertising a non-recurring special event held by a non-commercial group may be located on a property for a period not exceeding seven (7) days prior to such event and shall be removed immediately following the event. Such signs shall not be used more than once during any six-month period. Such signs shall not exceed thirty-two (32) square feet in size.

SECTION 14 - OFF-STREET PARKING

14.1 **General.** No use of land shall be approved without provision having been made for off-street parking space adequate to accommodate the traffic generated by the use.

14.1.1 An off-street parking space shall consist of an area of not less than 200 square feet (10 feet by 20 feet).

14.1.2 Except for single-family dwellings, parking spaces and access aisles shall be provided so that each parking space had adequate maneuvering area and unimpeded access to a street or highway.

14.2 **Parking-space Requirements.** Off-street parking spaces shall be provided as follows:

14.2.1 Two (2) spaces per dwelling unit, except for elderly housing projects which shall provide at least one (1) space per unit.

14.2.2 One (1) space per 200 square feet of gross floor space in a retail sales establishment. (7/11/85)

14.2.3 One (1) space per every three guests, patrons, students, clients, or members of institutions, recreation facilities, eating and drinking establishments, clubs, and similar uses. (7/11/85)

14.2.4 One (1) off-street parking space per two (2) employees on the combined employment of the two (2) largest successive shifts.

14.2.5 One (1) space per 200 square feet of gross floor area for business offices and financial institutions.

14.2.6 One (1) space per employee in all other business establishments.

14.2.7 One (1) off-street parking space per 600 square feet of gross floor area for furniture stores. (6/09/89)

14.2.8 Parking for Assisted Living Communities shall be a minimum of one (1) per every three (3) dwelling units and one (1) for every employee on the largest shift.

SECTION 15 - NON-CONFORMING LOTS, BUILDINGS, AND USES

15.1 **Lot.** No one shall be denied a zoning permit for a permitted use on a lot which does not meet the lot area requirements for the district in which it is located, provided such lot existed in separate ownership from abutting lots at the time of adoption or amendment of these Regulations which resulted in the non-conformity, and provided all other dimensional requirements of these Regulations (except as may be varied by the Zoning Board of Appeals) and all water supply and sewage disposal requirements can be met.

15.1.1 No division of land shall be permitted that results in the creation of one or more lots that do not meet the dimensional requirements of these Regulations.

15.2 **Buildings.** No non-conforming building shall be enlarged or structurally altered in a manner that would increase or expand the non-conformity.

15.2.1 No building that has been substantially demolished or destroyed, by whatever means, above the level of its foundation, shall be replaced or rebuilt except in conformance with these Regulations, unless the Commission determines that the location of the proposed reconstruction would not be detrimental to the health, safety and general welfare of the neighborhood.

15.3 **Uses.** A non-conforming use shall be permitted to continue provided it is not expanded, enlarged, or changed to another non-conforming use considered by the Commission to be more objectionable than the existing use.

SECTION 16 - APPEALS AND VARIANCES

16.1 **Appeals.** Any person may appeal to the Zoning Board of Appeals when it is alleged that there is an error in any order, requirement, or decision made by the Commission or the Zoning Enforcement Officer related to the enforcement of these Regulations.

16.2 **Variances.** Any person seeking a variance from the literal enforcement of these Regulations may apply to the Zoning Board of Appeals for a variance. Said Board may, after consideration of a variance application in accordance with Section 8-6 and 8-7 of the General Statutes, approve or deny a variance, except that no variance may be approved for a commercial or industrial use in a residential district. Any applicant to whom a variance is granted from Section 10.8 of these regulations shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage. The Zoning Board of Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency management Agency upon request. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. (11/01/95)

SECTION 17 - AMENDMENTS

17.1 Amendment of these Regulations, including the Zoning Map, may be petitioned by any person or persons or may be initiated by the Commission. Amendments may be made by the Commission after public notice and hearing in accordance with Section 8-3 of the General Statutes. The Commission is not required to hear any petition or petitions relating to the same changes or substantially the same changes more than once in a period of twelve (12) months.

17.1.1 Not less than ten (10) days prior to any hearing concerning a petitioned change of any zoning district boundary, a copy of the legal notice relating to the hearing shall be mailed to owners of record at the last address known to the tax collector of lands adjoining and directly across the street from the area of the proposed zone change. Responsibility for mailing notices shall be the applicants, and mail receipts shall be presented to the Commission or to the Zoning Enforcement Officer prior to or at the hearing.

SECTION 18 - SEPARABILITY

18.1 Should any section or provision of these Regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Regulations as a

whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 19 - EFFECTIVE DATE

These Regulations amend and supersede Regulations adopted by the Commission on March 20, 1967, and subsequently amended. Major revisions were effective February 1, 1984, and August 1, 1985. The dates of other amendments are indicated in the text, as applicable.