

# ZONING REGULATIONS CITY OF GROTON, CONNECTICUT

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**THIS DOCUMENT WAS FINANCED IN PART BY A GRANT THROUGH THE OFFICE OF COASTAL ZONE MANAGEMENT NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE U.S. DEPARTMENT OF COMMERCE UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972, AND WAS PREPARED IN COOPERATION WITH THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION’S COASTAL AREA MANAGEMENT PROGRAM.**

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## **1.0 ARTICLE 1 – GENERAL PROVISIONS**

### **1.1 Purpose**

This ordinance is adopted under authority of the Zoning Law of the State of Connecticut in accordance with Title 8, Chapter 124 of the Connecticut General Statutes, as amended, and other applicable General or Special Acts for the purpose of promoting the health, safety, and general welfare of the community.

### **1.2 Establishment of Zones**

For the purpose described in Section 1.1, the City of Groton is divided into the following zones, as shown on the Zoning Map on file with the City Clerk of Groton:

R-12	-	Residence Zone
R-8	-	Residence Zone
R-5.1	-	Residence Zone
R-5.2	-	Residence Zone
RM	-	Multi-Family Residence Zone
ROS	-	Recreation Open Space Zone
WBR	-	Waterfront Business Residence Zone
GC	-	General Commercial Zone
GI	-	General Industrial Zone
RI	-	Restricted Industrial Zone

### **1.3 Zoning Map**

The location and boundaries of said zones are set forth on the map entitled, “Zoning Map of the City of Groton” which is filed in the office of the City Clerk. Such map, with all explanatory matter thereon, is hereby declared to be a part of this ordinance as fully as if set out herein.

### **1.4 Extent of Zones**

It is the intent of this ordinance that all areas within the jurisdictional limits of the City of Groton, including all buildings, land and water areas, shall be included in the zones established by this ordinance.

### **1.5 Zone Boundaries**

The zone boundary lines are intended generally to follow the center lines of streets and similar rights-of-way, rivers, lot lines, or City boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated. In case of uncertainty as to the true location of a zone boundary line in a particular instance, the determination thereof shall be made by the Zoning and Building Official. An appeal may be taken to the Zoning Board of Appeals.

1.6 **Effect of Zoning Regulations**

No land or premises may be used and no building or structure may be erected, raised, moved, extended, enlarged, altered, or used for any purpose other than one permitted by this ordinance for the zone in which the land, premises, building or structure is located, and all uses and construction shall be in conformity with the Regulations provided for that zone in which such land, premises, building or structure is located.

Any use not permitted by this ordinance shall be deemed to be prohibited. Any list of prohibited uses contained in any section of this ordinance shall not be deemed to be an exhaustive list but has been included for the purposes of clarity and emphasis, and to illustrate, by example, some of the uses deemed undesirable and incompatible.

1.7 **Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and comfort, convenience and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinance, or any rules, regulations, or permits to the use of buildings or premises, nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

## **2.0 ARTICLE 2 – RESIDENCE AND OPEN SPACE ZONE REGULATIONS**

### **2.1 R-12 – Residence Zone**

#### **2.11 Permitted Uses**

- a. One-family detached dwellings.
- b. Parks and playgrounds.
- c. Home occupations subject to the conditions set forth in Section 4.13.
- d. Family day care homes.
- e. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

#### **2.12 Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Churches and places of religious worship.
- b. Cemeteries.
- c. Public elementary schools.
- d. Municipal building essential to safeguarding the Public health, safety, and welfare of the neighborhood.
- e. Club, lodge or association.
- f. Boat clubs, beach clubs and marinas.
- g. Public utility rights-of-way and structures necessary to serve the neighborhood.
- h. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)

#### **2.13 Permitted Accessory Uses**

- a. Private garages for no more than three motor vehicles.
- b. Tool shed, garden house, playhouse, tennis court, or swimming pool.
- c. Sale of alcoholic beverages when accessory to a club, lodge or association.
- d. Other customary accessory uses.

2.14 **Permitted Accessory Uses for Boat Club, Beach Club or Marina**

- a. A boat way, ramp or dock.
- b. Fuel filling facilities for boats.
- c. Storage garage for boats.
- d. Repair and/or service garage for boats.
- e. A boat storage yard.
- f. Buildings to house storage lockers and related shower facilities.
- g. A building for retail sales of boats, equipment, material and supplies.
- h. A refreshment stand or snack bar attached to or inside the principal building with a seating capacity not to exceed twenty seats.
- i. Other accessory buildings and uses clearly subordinate and customarily incidental to and located on the same lot with the principal use.

2.15 **Minimum Lot Requirements**

	Permitted Uses	Special Permit Uses
<hr/>		
a. Lot Area	12,000 sq. ft.	100,000 sq. ft.
b. Lot Width	100 feet	150 feet
c. Lot Depth	no requirement	200 feet
d. Water Frontage for boat clubs, beach clubs and marinas	no requirement	150 feet

2.16 **Minimum Yard Requirements**

	Permitted Uses	Special Permit Uses
a. Front Yard	30 feet	50 feet
b. Side Yard	two side yards having a total width of at least 25% of the lot width, shall not be less than 10 feet.	50 feet, not required for the portion abutting navigable water.
c. Rear Yard	30 feet	50 feet, not required for the portion abutting navigable water.

2.17 **Building Requirements**

- a. Height – a maximum of 35 feet.
- b. Lot Coverage – a maximum of 20%.

2.18 **Additional Boat Club, Beach Club and Marina Requirements**

- a. Outdoor Boat Storage – outdoor storage of boats shall not be permitted within required front and side yards.
- b. Health, Sanitation and Environment – the use shall comply with all applicable provisions of the State and City Building, Housing, Health, Sanitation, and Environmental Protection Codes and Ordinances, as approved by the proper official. Adequate toilet facilities shall be provided on the lot and shall be located so as to be easily accessible to boat owners and guests.

2.19 **Parking and Sign Requirements**

Parking shall be provided in accordance with the requirements of Section 4.3 and signs shall be permitted in accordance with the requirements of Section 4.4.

## 2.2 **R-8 - Residence Zone**

### 2.21 **Permitted Uses**

- a. One-family detached dwellings.
- b. Parks and playgrounds.
- c. Home occupations subject to the conditions set forth in Section 4.13.
- d. Family day care homes.
- e. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 2.22 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Churches and places of religious worship.
- b. Cemeteries.
- c. Public elementary schools.
- d. Municipal buildings essential to safeguarding the Public health, safety, and welfare of the neighborhood.
- e. Public utility rights-of-way and structures necessary to serve the neighborhood.
- f. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)

### 2.23 **Permitted Accessory Uses**

- a. Private garages for no more than three motor vehicles.
- b. Tool shed, garden house, playhouse, tennis court, or swimming pool.
- c. Other customary accessory uses.

### 2.24 **Minimum Lot Requirements**

- a. Lot Area                      8,000 sq. ft.
- b. Lot Width                      75 feet

**2.25 Minimum Yard Requirements**

- a. Front Yard                      Average setback line observed by buildings on same side of street between two intersecting streets on date of passage of this ordinance or 25 feet, whichever is lesser.
  
- b. Side Yards                      Two side yards having a total width of at least 25% of the lot width, neither of which shall be less than 8 feet.
  
- c. Rear Yard                      25% of lot depth, but need not exceed 25 feet.

**2.26 Building Requirements**

- a. Height – a maximum of 35 feet.
  
- b. Lot Coverage – a maximum of 25%.

**2.27 Parking Requirements**

Parking shall be provided in accordance with the requirements of Section 4.3.

**2.28 Sign Requirements**

Signs shall be permitted in accordance with the requirements of Section 4.4.

## 2.3 **R-5.1 – Residence Zone**

### 2.31 **Permitted Uses**

- a. One-family detached dwellings.
- b. Parks and playgrounds.
- c. Home occupations subject to the conditions set forth in Section 4.13.
- d. Family day care homes.
- e. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 2.32 **Special Use Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Churches and places of religious worship.
- b. Cemeteries.
- c. Public and private elementary schools.
- d. Municipal building essential to safeguarding the Public health, safety, and welfare of the neighborhood.
- e. Public utility rights-of-way and structures necessary to serve the neighborhood.
- f. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- g. Child daycare centers to operate from 6:00 a.m. to 8:00 p.m. in the R-5.1 zones by Special Permit and Site Plan approval subject to the requirements of Sections 4.14 and 4.35. (New Effective: 9/1/98)
- h. Vocational Training Facilities for persons with physical and developmental disabilities to operate in the zone between the hours of 6:00 a.m. to 8:00 p.m. by Special Permit and Site Plan approval subject to the requirements of Section 4.35 and 4.191(as proposed.) (New Effective 12/20/2007)

### 2.33 **Permitted Accessory Uses**

- a. Private garages for no more than three motor vehicles.

- b. Tool shed, garden house, playhouse, tennis court, or swimming pool.
- c. Other customary accessory uses.

2.34 **Minimum Lot Requirements**

- a. Lot Area 5,000 sq. ft.
- b. Lot Width 50 feet

2.35 **Minimum Yard Requirements**

- a. Front Yard Average setback line observed by buildings on same side of street between two intersecting streets on date of passage of this ordinance or 25 feet, whichever is lesser.
- b. Side Yards Two side yards having a total width of at least 25% of the lot width, neither of which shall be less than 4 feet.
- c. Rear Yard 25% of lot depth, but need not exceed 25 feet. None required when rear yard abuts navigable waters.

2.36 **Building Requirements**

- a. Height – a maximum of 35 feet.
- b. Lot Coverage – a maximum of 25%.

2.37 **Parking Requirements**

Parking shall be provided in accordance with the requirements of Section 4.3.

2.38 **Sign Requirements**

Signs shall be permitted in accordance with the requirements of Section 4.4.

## 2.4 **R-5.2 – Residence Zone**

### 2.41 **Permitted Uses**

- a. One-family detached dwellings.
- b. One-family semi-detached dwellings.
- c. Two-family detached dwellings.
- d. Parks and playgrounds.
- e. Home occupations subject to the conditions set forth in Section 4.13.
- f. Family day care homes.
- g. Group daycare homes to operate from 6:00 a.m. to 8:00 p.m. in the R-5.2 zones as a permitted use subject to Site Plan approval and the requirements of Sections 4.14 and 4.35.
- h. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 2.42 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Churches and places of religious worship.
- b. Cemeteries.
- c. Child daycare centers to operate from 6:00 a.m. to 8:00 p.m. in the R-5.2 zones by Special Permit and Site Plan approval subject to the requirements of Sections 4.14 and 4.35.
- d. Public or private schools.
- e. Public buildings essential to safeguarding the Public health, safety, and welfare of the neighborhood.
- f. Public utility rights-of-way and structures necessary to serve the neighborhood.
- g. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- h. Vocational Training Facilities for persons with physical and developmental disabilities to operate in the zone between the hours of 6:00 a.m. to 8:00 p.m. by

Special Permit and Site Plan approval subject to the requirements of Section 4.35 and 4.191(as proposed.) (New Effective 12/20/2007)



## 2.5 **RM – Multi-Family Residence Zone**

### 2.51 **Permitted Uses**

Any use permitted in the R-5.2 Residence Zone, including Special Permit uses, subject to the same restrictions and controls of the R-5.2 Residence Zone.

### 2.52 **Special Permit Uses**

In addition to the uses permitted in Section 2.51, the following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Convalescent, nursing or rest homes.
- b. Rooming, boarding or lodging houses.
- c. Multi-family dwellings and multi-family dwellings in groups.
- d. Hospitals.
- e. Community Residential Counseling Facilities, subject to conditions and restrictions noted in Article 4 (Supplementary Regulations). (New Effective: 3/3/97)
- f. Halfway houses, subject to conditions and restrictions noted in Article 4 (Supplementary Regulations). (New Effective: 3/3/97)
- g. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- h. Vocational Training Facilities for persons with physical and developmental disabilities to operate in the zone between the hours of 6:00 a.m. to 8:00 p.m. by Special Permit and Site Plan approval subject to the requirements of Section 4.35 and 4.191(as proposed.) (New Effective 12/20/2007)

### 2.53 **Minimum Lot Requirements**

- a. Lot Area            40,000 sq. ft. or 4,000 sq. ft. per dwelling unit, whichever is greater.
- b. Lot Width            100 feet.
- c. When calculating the minimum lot requirements of a project, no more than 30% of the area can be made up of regulated wetlands or steep (over 20%) slopes.

### 2.54 **Minimum Yard Requirements**

- a. Yards            All buildings shall be set back at least 25 feet from any front, side, or rear lot line.

2.55 **Building Requirements**

- a. Height – a maximum of 35 feet.
- b. Lot Coverage – a maximum of 25%.

2.56 **Parking Requirements**

Parking shall be provided in accordance with the requirements of Section 4.3.

2.57 **Sign Requirements**

Signs shall be permitted in accordance with the requirements of Section 4.4.

2.58 **Additional Multi-Family Dwelling Requirements**

a. Size of Buildings

No building shall exceed 160 feet in horizontal dimension or section.

b. Floor Area

The minimum required floor area for each dwelling unit shall be based on the number of habitable rooms as follows:

Habitable Rooms	Floor Area (sq. ft.)
1	300
2	400
3	550
4	700
5 or more	850

c. Distance Between Buildings

- (1) Measurement – All minimum distances required below shall be measured in a straight line between the points of the building(s), which are nearest each other.

- (2) Facing Walls – The minimum distance between any two front or rear facing walls (long dimension) of any principal building(s) shall not be less than the sum of the heights of the affected buildings or 50 feet, whichever is greater.
- (3) Facing and End Walls – The minimum distance between any end wall (short dimension) of any principal building(s) and any front or rear facing wall (long dimension) of any principal building(s) shall not be less than 75% of the sum of the heights of the affected buildings or 35 feet, whichever is greater.
- (4) End Walls – The minimum distance between any two end walls (short dimension) of any principal buildings shall be not less than 50% of the sum of the heights of the affected buildings or 20 feet, whichever is greater.
- (5) Minimum Distances – In all instances, the minimum distance between any walls or corners of any principal or accessory building(s) shall not be less than 20 feet.

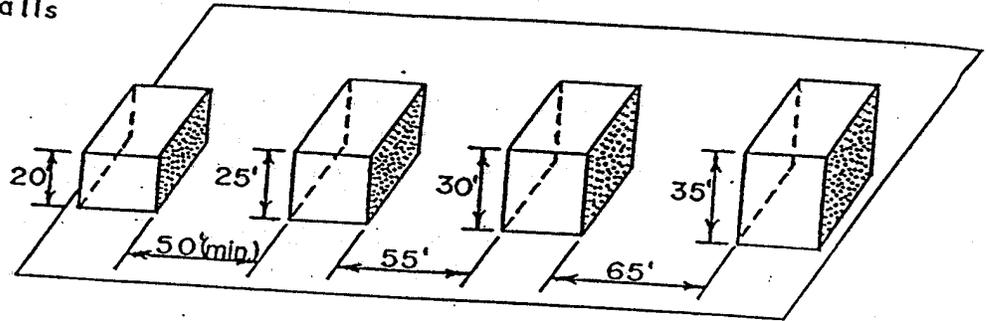
## DISTANCE BETWEEN BUILDINGS (ILLUSTRATIVE ONLY)

$h$  = Height of building.

$D$  = Minimum distance between walls.

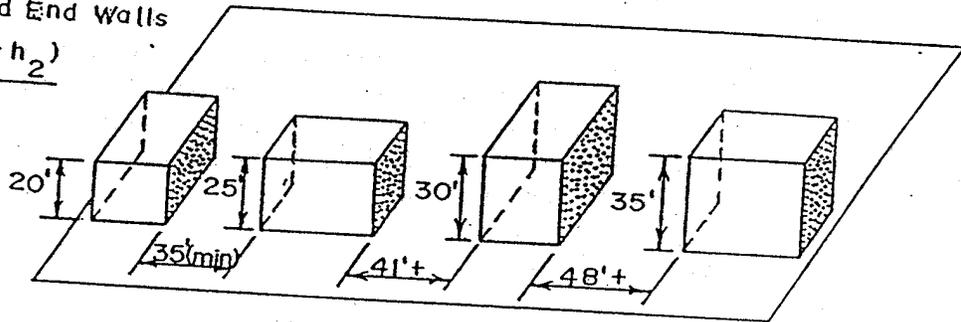
(1) Facing Walls

$$D = h_1 + h_2$$



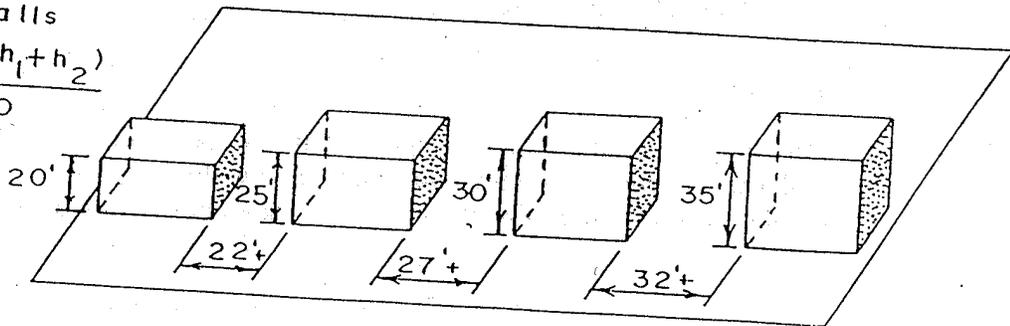
(2) Facing and End Walls

$$D = \frac{75 \times (h_1 + h_2)}{100}$$



(3) End Walls

$$D = \frac{50 \times (h_1 + h_2)}{100}$$



d. Basement Apartment

No dwelling units shall be permitted in basements or cellars.

e. Usable Open Space

- (1) A minimum of 400 sq. ft. of usable open space shall be provided per dwelling unit.
- (2) The minimum dimension of a usable open space area shall not be less than 25 feet.
- (3) At least 25% of the required open space shall be developed for and equipped with recreation facilities such as playgrounds, ball fields, tennis courts, or bocce courts, depending on the age group served by the housing.
- (4) Usable open space area(s) shall be located on the lot in such a way as to provide easy access from all dwelling units on the lot.
- (5) Indoor or accessory roof space may be substituted for not more than 25% of the required usable open space, provided such space is developed as a recreational area and is accessible and available to all occupants of the dwellings.
- (6) All required recreation facilities shall be complete or bonded for by the time Certificates of Occupancy have been issued for 50% of the units. If the required recreation facilities are not complete or bonded for at that time, no further Certificates of Occupancy shall be issued until the required recreation facilities are complete.

f. Screens

Outdoor clothes drying areas and rubbish areas shall be surrounded with complete visual screening.

- (1) Separate rubbish containers shall be provided for recycling items and so denoted on the plans.

g. Garages

For every ten required parking spaces that shall be provided in a separate garage or under a residential building, one additional dwelling unit above the maximum number of units permitted by Section 2.53 shall be permitted on the lot provided that:

- (1) The garage is enclosed on all sides by walls; and
- (2) The additional dwelling units have a floor area no greater than the average dwelling unit proposed on the lot; and
- (3) The required parking for any additional dwelling units so created shall also be in enclosed garages or under residential buildings.

h. Private Streets

Private streets shall be constructed to the following standards:

- (1) Pavement width shall be a minimum of 24 feet where street parking is not allowed. An additional 8 feet shall be added on each side of the street where parking is allowed.
- (2) Pavement shall be a minimum of 2-inch bituminous concrete on a 4-inch process gravel base on an 8-inch bank run gravel sub base.
- (3) A 4-inch bituminous lip curb shall be provided along both sides of the street and around parking and turning areas.
- (4) A 4-foot wide concrete sidewalk shall parallel the street or parking lot and shall provide access to the building. Said sidewalks shall be separated from the pavement by at least a 3 ½-foot wide grass strip.
- (5) Stop signs shall be installed at all intersections of City or State highways.

## 2.6 **ROS – Recreation Open Space**

### 2.61 **Permitted Uses**

- a. Parks and playgrounds.
- b. Public swim or beach club.
- c. Officially designated historic sites or buildings.
- d. Golf course.
- e. Athletic field.
- f. Nature trails, arboretums, and other areas of natural scenic beauty.
- g. Land reserves.
- h. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 2.62 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Municipal and other public buildings, including educational institutions with 2,000 sq. ft or more floor area.
- b. Restaurants, snack bars, concession stands, or any other facilities for the dispensing of food and/or non-alcoholic beverages, provided that they are accessory to a permitted principal use.

### 2.63 **Permitted Accessory Uses**

- a. Swimming pools, bleachers, grandstands, and other permanent recreational facilities, provided that such facilities shall be located at least 100 feet from the nearest residence zone.
- b. Buildings for the storage and use of equipment necessary to maintain the principal use.
- c. Offices, other public facilities provided that such facilities are accessory to and necessary for the principal use.
- d. Parking only as an accessory to the principal use.

2.64 **Minimum Lot Requirements**

- a. Lot Area                      40,000 sq. ft.
- b. Lot Width                      100 feet

2.65 **Minimum Yard Requirements**

- a. Yard                              All buildings shall be set back at least 50 feet from any front, side, or rear lot line. A rear yard shall not be required for the portion of the lot abutting navigable water.

2.66 **Building Requirements**

- a. Height – a maximum of 35 feet.
- b. Lot Coverage – a maximum of 10%.

2.67 **Parking and Sign Requirements**

Parking shall be provided in accordance with Section 4.3, and signs shall be permitted in accordance with the requirements of Section 4.4.

3.0 **ARTICLE 3 – BUSINESS AND INDUSTRIAL ZONE REGULATIONS**

3.1 **WBR – Waterfront Business Residence Zone**

3.11 **Purposes of Zone District**

The purpose of the Waterfront Business Residence District is to encourage a mixture of land uses that will enhance the unique qualities of the Thames Street area with emphasis on waterfront access and water-dependent and related uses and retention of the historic character and scale of the “Groton Bank.”

3.12 **Development Objectives**

Development within this Zone District shall be consistent with the following objectives:

- a. Development within the Zone District shall be consistent with the City of Groton Plan of Development and the Thames Street Study as adopted by the Planning and Zoning Commission.
- b. Orientation of development toward the Thames River is a primary consideration in this Zone District. Preservation and creation of views from public access to the riverfront from the State boat launch area south to the Croaker Memorial, including a riverfront walkway, is encouraged.
- c. The existence of historic properties in the district is a valuable asset of the area. Rehabilitation of structures, where feasible, is encouraged to preserve and enhance the historic and diverse qualities of the Thames Street area.
- d. Water-dependent uses are specifically encouraged to locate along the river as primary uses or in combination with other permitted uses.

3.13 **Permitted Uses**

- a. Any use permitted in the R-5.2 Residence Zone subject to the same restrictions and controls of the R-5.2 Residence Zone.
- b. The following uses are permitted subject to Site Plan approval by the Planning and Zoning Commission.
  - (1) Retail businesses, such as apparel stores, drug stores, grocery, meat and seafood stores, antique shops, music shops, sporting goods stores, hobby shops, gift shops, and book, stationery, magazine, candy and tobacco shops; but excluding the sale of alcoholic liquor, gasoline, motor vehicles, and heavy equipment.
  - (2) Business services, such as banks, credit unions, loan companies, and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices, and printers.

- (3) Personal services, such as barbershops, beauty salons, photographic studios, coin-operated laundromats, tailor, dressmaking, millinery, and dry cleaning and laundry pickup stations where the processing is to be done elsewhere.
- (4) Repair services, such as radio, television, and electrical appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops, but excluding automotive repair or services.
- (5) Eating establishments.
- (6) On the premises drinking of alcoholic beverages when accessory to an eating establishment, provided that such establishment shall not be located within 800 feet in a direct line from any church, school, charitable institution, hospital, library, playground, park or beach nor located anywhere upon the premises where any of such buildings or uses are situated.
- (7) Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- (8) A sail loft or ships chandlery.
- (9) Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of section 4.19 of these regulations. (New Effective: 4/16/01)

### 3.14 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Any Special Permit Use in the R-5.2 Zone.
- b. Hotels and motels on lots having a minimum area of 20,000 sq. ft. and a minimum width of 100 feet.
- c. Mortuary and funeral homes.
- d. Multi-family dwellings subject to the requirements of Section. 2.58.
- e. Yacht clubs and marinas.
- f. Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips, or for vessels engaged in fishery or shell fishery.
- g. A yard for building, storing, repairing, selling, or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.

- h. Boat and marine engine sales and display, yacht broker, marine insurance broker.
- i. The rental of boats.
- j. Museums with nautical themes.
- k. Principal or accessory buildings and facilities for the storage, distribution, and wholesale or retail sale of fresh seafood, subject to the requirements of Section 4.15, Supplementary Regulations.
- l. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)

### 3.15 **Additional Use Requirements**

- a. Permitted uses do not include drive-in establishments or uses with drive-in facilities.
- b. A building may contain a combination of permitted uses, however; if one of the uses is residential, then such residential use is limited to areas above the first floor.

### 3.16 **Minimum Lot Requirements**

- a. Lot Area – 4,000 square feet per lot or 5,000 square feet per dwelling unit, whichever is greater.
- b. Lot Width – 40 feet.

### 3.17 **Minimum Yard Requirements**

- a. Front Yard – Average setback line observed by buildings on same side of street between two intersecting streets on date of passage of this ordinance or 10 feet, whichever is less.
- b. Side Yard – No requirements except when provided for or where there is a residential use on the subject lot, or where the lot abuts a residential use on the subject lot, or where the lot abuts a residential lot or zone, there shall be a minimum side yard of 10 feet.
- c. Rear Yard – There shall be a minimum rear yard of 20 feet. New construction at the foundation line shall be not less than 20 feet from the Thames River at mean high water level.
- d. Lot Coverage – 50 percent.

### 3.18 **Building Requirements**

- a. Height – a maximum of 25 feet, except as provided in Section 3.19-2a.

- b. Any building to be converted, expanded, or modified shall be in or improved to an acceptable state of repair and modernization, including landscaping and paving.
- c. Building Width – The total cumulative width of building, structure, fences, or walls more than 42 inches in height above the finished grade which are located adjacent to the Thames River shall not occupy more than 40% of the width of a parcel as measured along a line parallel to and 20 feet from the river, except as provided for in Section 3.19-2b.

### 3.19 **Parking and Loading Requirements**

Off-street parking spaces shall be provided for each lot within this district in accordance with the provisions of Section 4.3 of these Regulations, except as follows:

- a. Because the Waterfront Business Residence District is important to a city’s character and because its physical integrity must be enhanced, and further because it is desirable to utilize existing buildings as fully and as efficiently as possible, required parking for uses within the District may be provided on sites other than the site which they serve provided that:
  - (1) Said spaces are within 750 feet walking distance of the lot or use which they serve.
  - (2) The parking lot or spaces shall conform to the provisions of the District in which they are located. In the case of a privately owned lot which is serving a primary use outside the District in which it is located, the parking area shall be classified as a permitted accessory use.
  - (3) Such spaces shall be in the same ownership as the use which they serve or shall be subject to a deed restriction binding the owner and his/her heirs and assigns to maintain the required number of spaces either (1) throughout the existence of the use to which they are accessory, or (2) until such spaces are provided elsewhere.

Required off-street parking spaces, which, after development, are dedicated and accepted by the City, shall be deemed to continue to serve the use for which they were originally provided.

#### 3.19-1 **Design Guidelines**

In addition to the considerations set forth for Site Plan Review, the Commission shall consider the purposes of this section and the specific design guidelines set forth in the Municipal Coastal Program adopted by the Planning and Zoning Commission, as well as the following factors during their review:

- a. The extent of views from the adjacent public streets through the property to the water.

- b. The design and relationship of development to the waterfront, as viewed from the water.
- c. The design and function of any easements or other access provided to the river's edge, including new bulkheading or docking facilities.
- d. The eligibility of proposed development to utilize any of the development incentives set forth below.
- e. Traffic, parking, pedestrian safety, and circulation.

3.19-2 **Modifications to Height and Width as Incentives to Achieve Purposes and Design Guidelines**

a. Height

- (1) For every reduction of 5% in coverage under the maximum of 50%, an additional 5 feet may be permitted up to a maximum of 35 feet.
- (2) Maximum height may be increased by 10 feet up to a maximum of 35 feet if permanent public access to the river is provided. Such access in the form of a permanent easement shall be at least 12 feet wide from the street to the water and 8 feet along the width of the property along the water.

b. Building Width

Building width may be increased to more than 40% of the width of a parcel, as measured along a line parallel to and 20 feet from the river under the conditions set forth below:

- (1) Maximum width may be increased to 50% if permanent public access to the Thames River is provided as set forth in Section 3.19-2a(2) above.
- (2) Maximum width may be increased to 60% if more than 50% of the buildings and/or property are used for one or more of the following uses:
  - a. Marinas or tour boat launching.
  - b. Sale of marine supplies, services, or equipment.
  - c. Manufacture, assembly or repair of marine products, such as boats, sails, hardware, etc.
  - d. Museums with nautical themes.

3.19-3 **Sign Requirements**

Signs shall be permitted in accordance with the requirements of Section 4.4.

## 3.2 **GC – GENERAL COMMERCIAL ZONE**

### 3.21 **Permitted Uses**

The following uses are permitted subject to Site Plan approval by the Planning and Zoning Commission:

- a. Retail business, such as apparel stores, drug stores, grocery, meat and seafood stores, eating and drinking establishments, automotive supply stores, antique shops, music shops, sporting goods stores, hobby shops, gift shops, and book, stationery, magazine, candy and tobacco shops.
  - (1) Businesses that include, either as a principal or accessory use, the serving of alcoholic beverages shall not be located within 800 feet in a direct line from a church, school, charitable institution, hospital, library, playground, park or beach, nor located anywhere upon the premises where any of such buildings or uses are situated.
- b. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices.
- c. Personal services, such as barber shops, beauty salons, photographic studios, coin-operated laundromats, tailor, dressmaking, millinery, and dry cleaning and laundry pickup stations where the processing is to be done elsewhere. Group daycare homes and child daycare centers subject to the requirements of Sections 4.14 and 4.35.
- d. Repair services, such as radio, television, and electrical appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe repair shops.
- e. Computer centers.
- f. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 3.22 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission:

- a. Hotels and motels.
- b. Mortuary and funeral homes.
- c. Drive-in type establishments, including, but not limited to, restaurants, car washes, beverage distributors, banks, theaters, and other similar establishments primarily designed to provide drive-in facilities.

- d. Retail sale of alcoholic liquor provided no building or premises used for the retail sale of alcoholic liquor shall be located or situated within 800 hundred feet in the direct line from any church, school, charitable institution, hospital, library, playground, park, or beach, or the premises upon which any of the aforementioned classes of buildings are situated.
- e. Commercial recreation and entertainment facilities, such as billiard rooms, bowling alleys, skating rinks, swimming pools, night clubs, theaters, amusement centers, and other similar facilities.
- g. Parking lots and garages in accordance with Sections 4.38 and 4.39.
- g. Boarding, rooming, or lodging houses.
- h. Clubs, lodges, or associations.
- i. Public buildings.
- j. Public utility buildings and facilities.
- k. Gasoline stations, motor vehicle dealerships, and motor vehicle repair services subject to the conditions set forth in Section 4.12.
- l. Mixed use buildings containing dwelling units and permitted businesses and services provided business and service uses, excluding offices, shall only be permitted on the first floor and/or basement levels; and no mixed building shall contain more than two dwelling units.
- m. Docks and other marine-related facilities.
- n. Taxi services facility.
- o. Community Residential Counseling Facilities, subject to conditions and restrictions noted in Article 4 (Supplementary Regulations). (New Effective: 3/3/97)
- p. Halfway houses, subject to conditions and restrictions noted in Article 4 (Supplementary Regulations). (New Effective: 3/3/97)
- q. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- r. Telecommunication Towers, subject to the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)
- s. Vocational Training Facilities for persons with physical and developmental disabilities to operate in the zone between the hours of 6:00 a.m. to 8:00 p.m. by Special Permit and Site Plan approval subject to the requirements of Section 4.35 and 4.191(as proposed.) (New Effective 12/20/2007)



### 3.27 **Parking and Loading Requirements**

Parking and loading shall be provided in accordance with the requirements of Section 4.3.

### 3.28 **Sign Requirements**

Signs shall be permitted in accordance with the requirement of Section 4.4.

### 3.29 **Waterfront Overlay Zone**

#### 3.29.1 **Purpose of Zone District**

The purpose of the Waterfront Overlay Zone District is to encourage a mixture of land uses that will enhance the unique qualities of the Thames Street area with emphasis on waterfront access and water-dependent and related uses, and retention of the historic character and scale of the “Groton Bank.” This Overlay District is designed to advance the use of land and structures in this unique portion of the City in a manner consistent with the coastal and historic resources of the area and the guidelines of the Thames Street Study and the provisions contained herein.

#### 3.29.2 **Applicability of Overlay Zone**

The Waterfront Overlay Zone shall be superimposed over that portion of Thames Street and Bridge Street as specifically defined on the Zone District Map and all regulations, requirements, and controls of this section shall be in addition to the standard regulations of the General Commercial Zone District.

#### 3.29.3 **Development Objectives of the Overlay Zone**

Development within this Overlay District shall be consistent with the following objectives:

- a. Development within the Overlay District shall be consistent with the City’s Plan of Development and the Thames Street Study, as adopted by the Planning and Zoning Commission.
- b. Orientation of development toward the Thames River and creation of a maritime theme are primary considerations in the Overlay District. Preservation and creation of views from public and private areas to the river and provisions of public access to the riverfront from the State Boat Launch area south to the Croaker Memorial, including a riverfront walkway, is encouraged.
- c. The existence of historic properties in the district is a valuable asset of the area. Rehabilitation of structures, where feasible, is encouraged to preserve and enhance the historic and diverse qualities of the Thames Street area.
- d. Water-dependent uses are specifically encouraged to locate along the river as primary uses or in combination with other permitted uses.

### 3.29-4 Additional Permitted Uses in Overlay Zone

The following uses are permitted subject to Site Plan approval by the Planning and Zoning Commission.

- a. Yacht clubs and marinas
- b. Boat docks, slips, piers and wharves for yachts and pleasure boats or boats for hire carrying passengers on excursions, pleasure, or fishing trips, or for vessels engaged in fishery or shell fishery.
- c. A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, rest room and laundry facilities to serve overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- d. Boat and marine engine sales and display, yacht broker, marine insurance broker.
- e. The rental of boats.
- f. Retail sale or rental of boating, fishing, diving and bathing supplies and equipment.
- g. A sail loft or ship's chandlery.
- h. Museums with nautical themes.

### 3.29-5 Minimum Yard Requirements

- a. New construction at the foundation line shall be not less than 20 feet from the Thames River at mean high water elevation.
- b. Lot Coverage – 50%

### 3.29-6 Building Requirements

- a. Height A maximum of 25 feet except as provided in Section 3.19-2.
- b. Any building to be converted, expanded or modified shall be in or improved to be in an acceptable state of repair and modernization, including landscaping and paving.
- c. Building Width The total cumulative width of buildings, structures, fences or walls more than 42 inches in height above the finished grade which are located adjacent to the Thames River shall not occupy more than 40% of

the width of a parcel as measured along a line parallel to and 20 feet from the river, except as provided for in Section 3.29-8b.

### 3.29-7 Design Guidelines

In addition to the considerations set forth for Site Plan Review, the Commission shall consider the purposes of this section and the specific design guidelines set forth in the Municipal Coastal Program adopted by the Planning and Zoning Commission, as well as the following factors during their review:

- a. The extent of views from the adjacent public streets through the property to the water.
- b. The design and relationship of development to the waterfront as viewed from the water.
- c. The design and function of any easements or other access provided to the river's edge, including new bulkheading or docking facilities.
- d. The eligibility of proposed development to utilize any of the development incentives set forth below.
- e. Traffic, parking, pedestrian safety and circulation.

### 3.29-8 Modifications to Height and Width as Incentives to Achieve Purposes and Design Guidelines

#### a. Height

- (1) For every reduction of 5% in coverage under the maximum of 50%, an additional 5 feet of height may be permitted up to a maximum of 35 feet.
- (2) Maximum height may be increased by 10 feet up to a maximum of 35 feet if permanent public access to the river is provided. Such access in the form of a permanent easement shall be at least 12 feet wide from the street to the water and 8 feet along the width of the property along the water.

#### b. Building Width

Building width may be increased to more than 40% of the width of a parcel as measured along a line parallel to and 20 feet from the river under the conditions set forth below:

- (1) Maximum width may be increased to 50% if public access to the Thames River is provided as set forth in Section 3.29-8a above.

- (2) Maximum width may be increased to 60% if more than 50% of the buildings and/or property are used for one or more of the following uses:
- a. Marinas or tour boat launching.
  - b. Sale of marine supplies, services or equipment.
  - c. Repair of boats and marine products, such as sails, hardware, etc.
  - d. Museums with nautical themes.

### 3.3 **GI – GENERAL INDUSTRIAL ZONE**

#### 3.31 **Permitted Uses**

The following uses are permitted but shall be subject to Site Plan approval by the Planning and Zoning Commission when required by these Regulations.

- a. The manufacturing, fabricating, assembling or processing of goods and products.
- b. Building equipment, merchandise, material and supply business.
- c. Offices for business, financial, professional, and personal services and other similar offices.
- d. Computer centers.
- e. Scientific and research laboratories devoted to research design and/or experimentation.
- f. Printing and publishing establishments.
- g. Metal, woodworking and other similar shops and repair services.
- h. Stone and monument work
- i. Parking garages and lots in accordance with Sections 4.38 and 4.39.
- j. Warehousing and wholesaling and storage.
- k. Telecommunications Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

#### 3.32 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Places of entertainment, amusement, recreation or assembly with a predominantly outdoor character such as an archery range, miniature golf, golf driving range, and other similar outdoor uses.
- b. Trucking terminal facilities for handling freight or material with or without maintenance facilities, including accessory trucking facilities; provided that such facilities, including any truck entrance, exit, driveways, maneuvering, parking or loading area, shall not be located or operated within a distance of 300 feet of any Residential Zone measured in a straight line between such facility and said boundary. Trucking terminal facilities shall not be construed to include clearly subordinate and customary incidental delivery department or off-street loading

facilities operated by business concerns for their own use.

- c. Principal outside storage yards and uses, including, but not limited to, petroleum storage facilities, building and contractors' equipment, merchandise, materials and supplies, but not including junk yards; provided that the area used for outside storage shall be completely visually screened.
- d. Public buildings, use and facilities.
- e. Public utility buildings and facilities.
- f. Railroad rights-of-way and stations.
- g. Gasoline stations, vehicle dealerships, vehicle repair and service garages, subject to the conditions set forth in Section 4.12.
- h. Any other industrial use provided that the Commission finds, to its satisfaction, that the proposed use will, in all respects, comply with the purpose and intent of these Regulations in general and Section 4.5 in particular.
- i. Docks and other marine-related facilities.
- j. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- k. Telecommunication Towers, subject to the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)
- l. Vocational Training Facilities of persons with physical and developmental disabilities to operate in the zone between the hours of 6:00 a.m. to 8:00 p.m. by Special Permit and Site Plan approval subject to the requirements of Section 4.35 and 4.191(as proposed.) (New Effective: 12/20/2007)

### 3.33 **Permitted Accessory Uses**

- a. Garages for storage and maintenance and utility shops for the upkeep and repair of buildings and structures and service; central heating and power plants for furnishing heat and electricity energy; training schools for employees, buildings for the storage of documents, records and personal property; communication facilities and clinics; and dining and recreational facilities, to be used for company purposes only and not by the general public.
- b. Any accessory buildings and uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing uses shall be permitted in the same manner as the principal building.
- c. Group day care and child day care subject to Site Plan approval and Sections 4.14 and 4.35.



### 3.4 **RI – RESTRICTED INDUSTRIAL ZONE**

#### 3.41 **Permitted Uses**

The following uses are permitted, but shall be subject to Site Plan approval by the Planning and Zoning Commission when required by these Regulations.

- a. Research centers and laboratories whose principal use shall be for any type of research, engineering testing, laboratory work and pilot development, devoted to design and/or experimentation, and processing and fabricating incidental thereto providing no materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said research, design, or experimentation conducted on said premises.
- b. Computer centers, with no manufacturing of any product for commercial use other than for the normal product of a computer center.
- c. Business, financial, professional or governmental offices.
- d. Warehousing and storage.
- e. Building equipment, merchandise, material and supply businesses.
- f. Parking garages and lots in accordance with Sections 4.38 and 4.39.
- g. Eating establishments.
- h. Telecommunication Antenna and Facilities, subject to site plan approval and the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

#### 3.42 **Special Permit Uses**

The following uses are permitted subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

- a. Light manufacturing, fabricating, finishing, processing and assembly where such use or activities shall be confined within completely enclosed buildings with the exception of off-street parking and loading spaces.
- b. Public utility buildings and structures.
- c. Railroad rights-of-way and stations.
- d. Public buildings, uses and facilities other than offices.
- e. Gasoline stations, vehicle dealerships, vehicle repair and service garages subject to the conditions set forth in Section 4.12.

- f. Taxi Services Facility.
- g. Bed and breakfast establishments, subject to the requirements of Section 4.18 of these Regulations. (New Effective: 6/1/98)
- h. Telecommunication Towers, subject to the requirements of Section 4.19 of these regulations. (New Effective: 4/16/01)

### 3.43 **Permitted Accessory Uses**

- a. Garages for storage and maintenance and utility shops for the upkeep and repair of buildings and structures and service; central heating and power plants for furnishing heat and electrical energy; training schools for employees; buildings for the storage of documents, records and personal property; communication facilities to be used for company purposes only and not by the general public.
- b. Any accessory buildings and uses clearly subordinate and customarily incidental to and located on the same lot with any of the foregoing uses shall be permitted in the same manner as the principal building or use.
- c. Group day care and child day care subject to Site Plan approval and Sections 4.14 and 4.35.

### 3.44 **Minimum Lot Requirements**

- a. Lot Area – 80,000 sq. ft.
- b. Lot Width – 200 feet.
- c. Lot Depth – 300 feet.

### 3.45 **Minimum Yard Requirements**

- a. General – each yard shall be equal to the height of the outer face wall of any building adjacent to the subject yard where the required yard line is contiguous to or across the street from any residential zone. In no case shall any required yard be less than specified below.
- b. Front Yard – 50 feet.
- c. Side Yard – 15 feet.
- d. Rear Yard – 50 feet.
- e. Buffer Strip – A landscaped strip 25 feet wide along lot lines that are contiguous to or across the street from any residential zone. Must contain complete visual screening.

3.46 **Building Requirements**

- a. Height – no building or structure shall exceed 75 feet in height.
- b. Lot Coverage – a maximum of 40%. (New Effective: 5/1/02)

3.47 **Parking and Loading Requirements**

Parking and loading shall be in accordance with the requirements of Section 4.3.

3.48 **Sign Requirements**

Signs shall be permitted in accordance with the requirements of Section 4.4.

#### 4.0 **ARTICLE 4 – SUPPLEMENTARY REGULATIONS**

##### 4.1 **Supplementary Use Regulations**

Each of the uses listed below is permitted in each zone to the extent indicated for that use and zone, subject to all provisions of the applicable zone except as specifically provided for in this section.

Every application for the use of property subject to conditions set forth herein shall be filed in accordance with the provisions of this ordinance and shall be subject to approval by any commission, board, or agency stipulated in this section.

##### 4.11 **Filling and Removing Earth Products**

The filling with and/or removal of earth products such as, but not limited to, earth loam, topsoil, sand, gravel, clay, stone or minerals, is permitted in any zone subject to Special Permit and Site Plan approval by the Planning and Zoning Commission and the following conditions:

- a. **Exemptions:** The provisions of this section and the requirement to obtain Special Permit and Site Plan approval shall not apply to filling or removal in the following cases provided that the filling or removal shall be deemed to permit the filling with or removal of only the minimum quantity of material necessary to make such lot, site, or right-of-way suitable for the proposed site.
  - (1) Necessary filling with or removal of earth products in direct connection with the building construction, structural alteration or site improvements on a lot for which a building permit has been issued.
  - (2) Necessary filling with or removal of earth products in direct connection with required site improvements in accordance with an approved subdivision plan.
  - (3) Necessary filling with or removal of earth products in direct connection with street or utility improvements within a public right-of-way for which the City Department of Public Works or State Department of Transportation has granted a street opening permit.
  - (4) Necessary filling with or removal of earth products in direct connection with the installation or relocation of heavy machinery or in connection with the installation, relocation or repair of on-site utilities.
  - (5) The filling or removal of not more than 50 cubic yards of earth products for the purpose of landscaping or lot improvements provided that in no case shall the removal or filling of material cause adverse conditions on neighboring properties (Change in quantity effective 12/15/08).

- (6) Necessary filling with or removal of earth products in direct connection with the removal of a building or structure for which a demolition permit has been issued, provided that the amount of fill shall be limited to the minimum quantity necessary to restore the site to grade and permit landscaping or site restoration as shown on a site and grading plan approved by the City Planner or Zoning and Building Official. (Effective: 10/09/2006)

#### 4.12 **Gasoline Stations, Vehicle Dealerships, Vehicle Repair and Service**

Gasoline stations, vehicle dealerships, vehicle repair and/or service garages, and other similar commercial garages, as defined by State Statute, are permitted uses in the GC, GI, and RI zones subject to Special Permit and Site Plan approval by the Planning and Zoning Commission, location approval by the Zoning Board of Appeals, and the following conditions:

- a. There shall be a minimum lot area of 15,000 square feet and a minimum lot width of 120 feet for gasoline stations, vehicle repair and/or service garages. There shall be a minimum lot area of 30,000 square feet and a minimum width of 150 feet for new and used vehicle dealerships.
- b. The storage of petroleum products in underground tanks shall not exceed 40,000 gallons and the storage of fuel oils in above-ground tanks shall not exceed 275 gallons.
- c. Provisions shall be made for entering and leaving the lot in such a manner that traffic hazards are minimized. Driveway aprons shall be a minimum distance of 25 feet from any street intersection and 10 feet from any adjacent lot line.
- d. Fuel pumps and above-ground fuel storage tanks shall be located 25 feet from any street line or adjacent lot line.
- e. Servicing, other than retail sale of gasoline and oil and minor services customarily incidental thereto, shall be conducted within a building. No repair work, except of an emergency nature, will be performed out-of-doors. No servicing or storage of any vehicle shall take place on any adjacent public street or sidewalk. Outside storage and display of vehicles shall be restricted to areas no closer than 10 feet from any street line or adjacent lot line.
- f. Adequate area for parking, storage and servicing shall be provided on private property.
- g. Appropriate and necessary lights shall be installed and maintained. All free-standing lights shall be indirectly illuminated and shall not exceed 18 feet in height. No free-standing light shall be permitted in any required rear or side yard adjacent to a residential district.

- h. Appropriate landscape and screening of suitable type, density and height shall be installed and suitably maintained.
- i. No application for Approval of Location for any gasoline station, vehicle dealership or vehicle repair and/or service garage, shall be accepted by the Zoning Board of Appeals unless and until the Planning and Zoning Commission has previously approved the Site Plan and authorized the issuance of a Special Permit.
- j. No gasoline station, vehicle dealership, vehicle repair and/or service garages, or other similar commercial garages shall be located on any lot within a distance of 200 feet, measured in a straight line between the nearest lot lines, from any other premises used for a public park or playground, a public school or any other authorized school, a church or any other place of worship, a public library or any other public building, a theater or any other place of public assembly, and a hospital, or any other duly authorized health institution; except that no existing gasoline station, vehicle dealership, vehicle repair and/or service garage or other similar commercial garage shall be deemed to become a non-conforming use through the subsequent erection of said uses.

#### 4.13 **Home Occupations**

Home occupation uses are permitted in all residential zones subject to the following conditions:

- a. The home occupation shall not occupy more than 25% of the gross floor area or 50% of one floor of the dwelling unit, whichever is less.
- b. The home occupation shall not change the exterior residential character of the dwelling in any visible manner.
- c. The home occupation shall be clearly incidental to the residential use of the dwelling and may involve members of the immediate family residing in the dwelling unit and one non-resident person.
- d. The home occupation shall not offer, display or advertise any commodity or service for sale on the premises other than a sign permitted in accordance with Section 4.4, nor shall any materials or products be stored outside of a building.
- e. The home occupation shall not create any noise, traffic, odor, vibrations, smoke, gas, fumes, radiation, electromagnetic interference or unsightly conditions noticeable off the lot.
- f. Home occupations shall be restricted to those occupations that serve clients, patients, customers or patrons by appointment only and that not more than two clients, patients, customers or patrons would be on the premises at any given time.
- g. The number of on-site parking spaces shall not be increased for clients, patients, customers or patrons.
- h. No home occupation shall be commenced until a notice of intention to do so has been delivered to the Zoning and Building Official.

#### 4.14 **Day care** (New Effective: 9/1/98)

Group day care homes are permitted uses in the R-5.2, RM, GC, RI, and GI zones subject to the requirements listed below and other applicable regulations. Child day care centers are a permitted use or accessory use as specified in the RM, GC, RI, and GI zones subject to these requirements. Child day care centers in the R-5.2 and R-5.1 zones are subject to the following applicable requirements and must obtain a Special Permit and Site Plan approval.

- a. Group day care homes and child day care centers shall provide a buffer strip within the boundaries of a lot as follows, on which is located and maintained appropriate fencing and landscaping of suitable type, density and height to effectively screen the daycare activities from the neighboring properties.

Residential Districts:	10 feet
Commercial Districts:	15 feet
Industrial Districts:	25 feet

The buffer area shall be designed to mitigate impacts from adjacent uses as well, particularly in cases where centers are located in commercial and industrial districts. This buffer requirement shall typically be applied to the portion of the site dedicated to day care use including such items as play area(s). The play area or areas shall not be located within the designated buffer area. The Planning and Zoning Commission may modify the width requirement of the buffer area where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided the buffer area meets the intent of the Regulations.

- b. A graded and suitably fenced play area, including a minimum of 75 square feet of play space for each child who would be using the play area at any one time, shall be provided. The minimum required play area shall be free of hazards and regulated wetland soils, provide a suitable play surface, and shall be a minimum of 1% but not in excess of 3% in grade. Where the existing topography and conditions present unique circumstances which will not compromise child safety, the Planning and Zoning Commission may modify the maximum play area grade requirement to 5%. Active play areas, defined as areas containing playground equipment, including, but not limited to, swings and other apparatus, shall not exceed 1% in grade. In the R-5.1 and R-5.2 zones, outdoor play activities shall take place within the hours of 8:30 a.m. and 6:00 p.m.
- c. Child day care centers in the R-5.1 zone shall be developed only on sites which contain a minimum of 5 acres and include a public or private elementary school.
- d. The applicant shall accommodate all pedestrian and vehicular traffic to and on the site, and shall provide an acceptable area for dropping off children on site. To the extent possible, parking stalls dedicated to the public shall be located so as to preclude pedestrian crossing of interior drives.
- e. All State and/or local licensing and permit requirements/standards shall be met including special or coastal flood hazard area development standards to demonstrate to the Commission's satisfaction that hazards to life and property are minimized.

4.0 **ARTICLE 4 – SUPPLEMENTARY REGULATIONS** *continued*

4.15 **Principal and Accessory Buildings or Facilities for the Storage, Distribution and Wholesale and/or Retail Sale of Fresh Seafood**

The storage, distribution, or wholesale and/or retail sale of fresh seafood are permitted uses in the Waterfront Business Residential (WBR) zone subject to Special Permit and Site Plan Approval, and the following conditions:

- a. The use shall be water dependent.
- b. No outside storage or handling of seafood or waste products shall be permitted, other than delivery and loading.
- c. No canning, drying or other type of industrial-type processing of seafood shall be permitted.
- d. The use shall be an integral component of a commercial seafood operation, comprised of, but not necessarily limited to, seafood handling, commercial fishing, small marine/boat landing, and such other related and permitted uses.
- e. A minimum lot size of 1 acre shall be required.

4.16 **Halfway Houses** (New Effective: 3/3/97)

Halfway houses, as defined in Article 7 of these Regulations, are permitted only in the GC and RM Zones subject to Special Permit and Site Plan approval by the Planning and Zoning Commission and the following conditions:

- a. A halfway house shall not be permitted on any lot or parcel which is within 800 feet of any lot or parcel containing a duly licensed or authorized public or private school, park, playground or day care facility.
- b. A halfway house shall not be permitted on any lot or parcel which is within 1,500 feet of any lot or parcel containing an existing and duly licensed or authorized halfway house.
- c. The applicant shall, at the time of application for Special Permit and Site Plan approval, submit a written description of the proposed scope and services of its program, including, but not limited to, security precautions, meals, transportation arrangements and recreation. Also, at the time of application, the applicant shall state the maximum number of residents to be served by the facility and the number of staff. A halfway house shall not expand, enlarge, add on to, intensify or otherwise increase the scope and services of its program by adding or taking in more residents or clients without first receiving additional Special Permit and Site Plan Approvals from the Planning and Zoning Commission.

- d. The applicant shall present, at the time of application for Special Permit and Site Plan approval, written authorization from the State of Connecticut to conduct the proposed program, as stated under the definition of “halfway house” in Article 7 of these Regulations, at the proposed site.
- e. A staff member shall be on-site at the facility at all times.
- f. No halfway house shall be operated without first obtaining all licenses and permits as required by State and federal law.
- g. A halfway house may provide counseling services to non-residents as well as residents in the GC zone only, providing that the facility includes a separate waiting room and separate meeting room for such non-resident services.

4.17 **Community Residential Counseling Facilities (CRCFs)** (New Effective: 3/3/97)

Community Residential Counseling Facilities (CRCFs), as defined in Article 7 of these Regulations, are permitted only in the GC and RM Zones subject to Special Permit and Site Plan approval by the Planning and Zoning Commission and the following conditions:

- a. A CRCF shall not be permitted on any lot or parcel which is within 800 feet of any lot or parcel containing a duly licensed or authorized public or private school, park, playground or day care facility.
- b. A CRCF shall not be permitted on any lot or parcel which is within 1,000 feet of any lot or parcel containing an existing and duly licensed or authorized CRCF.
- c. The applicant shall, at the time of application for Special Permit and Site Plan approval, submit a written description of the proposed scope and services of its program, including, but not limited to, security precautions, meals, transportation arrangements and recreation. Also, at the time of application, the applicant shall state the maximum number of residents to be served by the facility and the number of staff. A CRCF shall not expand, enlarge, add on to, intensify or otherwise increase the scope and services of its program by adding or taking in more residents or clients without first receiving additional Special Permit and Site Plan approvals from the Planning and Zoning Commission.
- d. A staff member shall be on-site at the facility at all times.
- e. No CRCF shall be operated without first obtaining all licenses and permits as required by State and federal law.
- f. A CRCF may provide counseling services to non-residents, as well as residents, in the GC zone only, provided that the facility includes a separate waiting room and separate meeting room for such non-resident services.



4.0 **ARTICLE 4 – SUPPLEMENTARY REGULATIONS** *continued*

4.18 **Bed and Breakfast Establishments** (New Effective: 6/1/98)

A. **Purpose**

The purpose of this section is to create, subject to the guidelines listed herein, the alternative of short-term overnight accommodations in a residential setting for travelers and visitors to this area. These Regulations are intended to ensure that bed and breakfast establishments in the City are as unobtrusive as possible, i.e., that they are commenced and maintained with little or no impact whatsoever upon the existing character and appearance of the neighborhoods in which they are located.

B. **Development Standards**

Bed and breakfast establishments, as defined in Article 7 of these Regulations, are permitted in the R-12, R-8, R-5.1, R-5.2, RM, WBR, and GC zones, subject to Special Permit and Site Plan approval, and the following conditions:

1. No building addition or freestanding building shall be constructed in order to accommodate or otherwise make room for the bed and breakfast establishment, except for additions or structures required under local or State health and safety codes. An existing outbuilding may accommodate rooms, but shall not be added onto or enlarged, provided it conforms to the minimum yard requirements of the respective zone in which it is located. Exterior alterations may be made to existing buildings or structures in order to preserve a valuable historic property, promote adaptive reuse of buildings, or comply with local or State health and safety code requirements. However, in all cases, such alterations must be considered minimal exterior modifications of the building or structure which are compatible with the character of the area, ensure the residential character of the buildings, and preserve the existing features of the building.
2. The gross floor area of that portion of the residence containing the bed and breakfast establishment shall not equal more than 50% of the total gross floor area of the entire building, said bed and breakfast area being defined as guestrooms, dining areas, and bathroom areas used by guests. This provision shall not apply to outbuildings used as part of the bed and breakfast establishment; however, under no circumstances shall an outbuilding contain more guestrooms than the owner occupied principal residence.
3. No guest shall be accommodated for more than seven nights in any two-week period.
4. Minimum parking space requirements shall be as stated in Section 4.35 of these Regulations. In addition, all spaces shall be on-site, and no guest parking spaces shall be located in any required front yard setback area of the subject property.

5. All parking and loading areas and other outdoor recreational and/or service activities associated with the Bed and Breakfast Establishment that are contiguous to, or located within or across the street from property within a Residential Zone shall be effectively screened and bordered on all sides by a 10-foot-wide buffer strip; however, where existing topography, landscaping, and/or other features provide an adequate buffer and screening, or where lot size and shape or existing structures make it infeasible to comply with the buffer dimension of 10 feet, the Planning and Zoning Commission may modify the buffer dimension requirement through the use of such alternatives as fencing, walls, earthen berms, and the like, which comply with the intent of these Regulations.

If the Establishment is located in the WBR or GC Zone, the provision of Sections 3.1 and 4.3, inclusive, shall be met.

6. All applicable fire, building, health and safety codes and requirement shall be met prior to commencement of operations, and in the cases where proposed sites are located in A and V zones of designated coastal flood areas, the applicant shall demonstrate to the Commission's satisfaction at the time of application that hazards to life and property are being minimized.
7. No more than two non-resident staff shall be employed on any single shift.
8. Access to each guestroom shall be via a main entrance, lobby or foyer within the building. No guestroom shall have a separate exterior access except as may be required by fire or building codes.
9. The owner of the Bed and Breakfast Establishment shall make the Guest Book available to the City, which shall record lengths of stay, at the request of the Zoning Official within ten days of receipt of written request for same.

#### 4.19 **Telecommunication Towers, Antennae, and Facilities** (New Effective: 4/16/01)

The purpose of this regulation is to regulate the location and number of telecommunication towers and antenna; minimizing their adverse visual effect through careful design, siting, and vegetative screening; and to encourage the shared or joint use of towers and facilities. These regulations are consistent with the Federal Telecommunications Act of 1996 in that they do not discriminate among providers of functionally equivalent services, prohibit or act to prohibit the provisions of personal wireless services, or regulate the placement and construction of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations regarding such emissions.

Telecommunication towers are permitted in all GC, RI and GI zoning districts subject to approval of a special permit and site plan and the following conditions, and telecommunication antenna and facilities are permitted in all zoning districts subject to a site plan and the following conditions:

- A. To discourage the proliferation of telecommunication towers, shared use of tower structures is both permitted and encouraged. Placement of more than one tower on a lot may be permitted if all setbacks, design, and landscape requirements are met for each tower. Applications for new towers shall be accompanied by documentation that no existing or planned tower or other structure can accommodate the applicant's antenna or transmitter. The application shall include documentation regarding the availability of any existing or approved telecommunication towers or other structures within the transmission area that meets the needs of the applicant.

It is a condition of any special permit approval issued under this regulation that the applicant shall exercise good faith in allowing other providers to share space or co-locate on the site, provided that such shared use does not impair the technical level or quality of service. In the event that a dispute arises as to whether the applicant has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the permit holder and the applicant.

- B. Applications involving the co-location of antennae on existing telecommunication towers or on other existing structures are exempt from the need for a special permit and shall only be subject to approval of a site plan by the Planning and Zoning Commission.
- C. Telecommunication towers are prohibited within existing city and National Register Historic Districts and along designated scenic roads established under provisions of C.G.S. Sec. 7-149a.
- D. The lot on which a new telecommunication tower is constructed shall meet the minimum lot area requirements for the underlying zone.
- E. The tower and/or antenna shall be erected to the minimum height necessary to satisfy the technical requirements of the telecommunication facility. Documentation of the minimum height needed, prepared by a professional telecommunications systems engineer, shall accompany the application for special permit. Such documentation may include propagation modeling and/or test results.
- F. All new structures shall meet the setback requirements of the respective zone or be set back from all property lines a distance equal to the height of the structure, whichever is greater. Guy anchors shall meet the setback requirements of the respective zone.
- G. Towers and antennae shall be subdued, non-reflective color which shall blend in with its surroundings.

- H. Landscape buffers shall be required around the perimeter of all structures, including guy anchors. Such landscape buffers shall include evergreen trees of sufficient height and planted at a sufficient distance to provide visual screening as determined during the site plan approval process.
- I. Signal lights or illumination shall not be permitted unless required by the Federal Communications Commission or the Federal Aviation Administration.
- J. No advertising or signage, other than warning signs, is permitted on any tower.
- K. All unused telecommunication towers shall be removed within 12 months of cessation of use. In the event that an unused tower is not removed within 12 months of cessation of use, the tower and associated facilities may be removed by the City and the cost of removal assessed against the property. As a condition of site plan approval, the Planning Commission may require a bond to insure removal of abandoned towers where the cost of the removal of the tower may equal or exceed the value of the lot on which it is located.
- L. No new or existing telecommunications service shall interfere with public safety telecommunications or with any existing television or radio signal. All applications for facilities under this regulation shall be accompanied by a study which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- M. Satellite dishes under 10 feet in diameter are exempt from this regulation when ground mounted or located on an existing building. Amateur radio antennas under 35' in total height are exempt from this regulation when located on an existing building.

4.191 **Vocational Training Facility** (New Effective: 12/20/2007)

Vocational Training Facilities (VTF) as defined in Section 7, are a permitted use or accessory use (as defined in Section 4.24) in the R-5.1, R-5.2, RM, GC, CI zones subject to Special Permit and Site Plan approval by the Planning and Zoning Commission and the following conditions:

- a. Vocational Training Facilities shall be developed only on sites that contain a minimum of five (5) acres.
- b. A VTF shall not be permitted on any lot or parcel that is within 1,000 feet of another VTF.
- c. The applicant shall accommodate all pedestrian and vehicular traffic to and on the site, and shall provide an acceptable area for dropping off participants on site. To the extent possible, parking stalls dedicated to the public shall be located so as to preclude pedestrian crossing of interior drives. No overnight storage of more than

four multi- passenger vehicles used to transport participants shall be allowed on site. Any overnight vehicle storage shall be located in the rear yard of the property and shall be screened appropriately from public view as determined by the Planning and Zoning Commission. Any areas designated for overnight vehicle storage shall not count toward the minimum parking spaces required pursuant to Section 4.35.

- d. All State and/or local licensing and permit requirements/standards shall be met including special or coastal flood hazard area development standards to demonstrate to the Commission's satisfaction that hazards to life and property are minimized.
- e. The applicant shall at the time of application for Special Permit and Site Plan approval, submit a written description of the proposed scope and services of all programs, including but not limited to, services, training, educational, meals, transportation arrangements, any outside participants, agencies served either full or part -time whether permanent or temporary. At the time of application the applicant shall state the maximum number of participants to be served at the facility, the number of staff and the total square feet of the facility including all areas to be utilized by the VTF. A VTF shall not expand, enlarge, add on to, intensify; or otherwise increase the square feet of use or scope and services of its programs by taking on additional participants without additional Special Permit and Site Plan approvals from the Planning and Zoning Commission.
- f. A VTF may provide for recreational activities on site. Said recreational area shall be a minimum of one-half (.5) acre, free of hazards and regulated wetland soils and contain a suitable surface for the proposed activities at no more than 3% slope. The recreational area shall have suitable lighting and fencing and screening to ensure the safety of the users and to mitigate any impacts both to and from adjacent properties as determined by the Planning and Zoning Commission. In the R-5.1, R-5.2 and RM zones outdoor recreational activities shall take place within the hours of 8:30 AM and 6:00 PM.
- g. A VTF shall provide a buffer strip within the boundaries of a lot as follows, on which is located and maintained appropriate fencing and landscaping of suitable type, density and height to effectively screen the facility activities from the neighboring properties.

Residential Districts: 25 feet  
Commercial Districts: 25 feet  
Industrial Districts: 25 feet

The buffer area shall be applied to the portion of the site dedicated to vocational facility uses including associated parking, accessory buildings and recreational areas. The recreational area shall not be located within the buffer area. The buffer area shall include scattered plantings of mixed height of both evergreen and

deciduous trees and bushes. The Planning and Zoning Commission may modify the width requirement of the buffer area where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided the buffer area meets the intent of the regulation.

4.192 **Specialized Classrooms** (New Effective 12/9/2013)

Specialized Classrooms, as defined in Section 7, are a permitted use or accessory use in the RM, WBR, GC, and GI zones, subject to Special Permit and Site Plan approval by the Planning and Zoning Commission and the following conditions:

- a) The applicant shall accommodate all pedestrian and vehicular traffic to and on the site to the extent possible. Specialized Classrooms will not provide overnight parking for any vehicles.
- b) The applicant shall at the time of application for Special Permit and Site Plan approval, submit a written description of the proposed scope of services and all programs, including, but not limited to, the subject matter to be taught, the maximum number of students, the maximum number of instructors and supporting staff, the number and size of classrooms to be occupied, as well as the hours of operation, the internal floor layout, and the total square footage of the areas utilized. Specialized Classrooms shall not expand, enlarge, add on to, intensify, or otherwise increase the square feet of use or scope in services of programs by taking on additional participants or subjects without additional Special Permit and/or Site Plan approvals from the Planning and Zoning Commission, as appropriate.
- c) Specialized Classrooms shall be entirely located within a building and shall not include any activities, other than parking, outside the building. The parking areas and entrances to the building shall be of a suitable surface and have adequate lighting to ensure the safety of users. If the applicant will provide transportation to the site for students, instructors, or staff, it will submit a description of the mode and frequency of transportation. Further, it shall show on the site plan designated drop-off and pick-up sites that are safe and accessible for all vehicles and riders. Further, the parking lot and exterior of the building shall be suitably fenced and screened to mitigate any impacts both to and from adjacent properties, as determined by the Planning and Zoning Commission, particularly when the Specialized Classrooms are located in a building adjacent to a residential use or zone. Lighting, to the extent feasible, shall be downward directed and confined to the site.
- d) Specialized Classrooms shall provide a buffer strip within the boundaries of a lot, which is in or adjacent to a residential district or use, and shall maintain appropriate fencing and landscaping of suitable type, density, and height to effectively screen the facility activities from neighboring residential zones or

properties. Said residential buffer strip shall be 25 feet in width. The buffer shall include scattered plantings of mixed height of both evergreen and deciduous trees and bushes. The Planning and Zoning Commission may modify the width requirements of the buffer area where lot size and shape or existing structures make it infeasible to comply with the minimum widths required above, provided the buffer area meets the intent of the regulation.

## 4.2 **Supplementary Building, Yard and Other Regulations**

### 4.21 **Yards**

- a. Front, rear, and side yards shall be provided for every lot as required in the zone in which said lot is located. All front yards must face upon a street accepted by the City of Groton or approved by the Planning and Zoning Commission under the subdivision regulations and shall be the size required for the particular zone in which the lot is located.
- b. For a corner lot in a residential zone, the minimum depth of yard along either frontage shall be the depth of yard which is required along the same street for the adjoining lots. One yard, other than the front yard, shall be deemed to be a rear yard and the others side yards.
- c. On a through lot, front yards are required on all streets.
- d. In measuring the depth of rear yards in cases where the rear lot line is not parallel with the street line, average dimensions may be used.
- e. No lot shall be divided, subdivided or re-subdivided unless all parcels and lots meet all of the requirements for the zone in which they are located.

### 4.22 **Projections Into Required Yards**

The space in any required yard shall be open and unobstructed except for the ordinary projection of open entries, steps, stoops, or porches, cantilevered roofs, eaves, cornices, chimneys, belt-courses, window sills, balconies, and similar architectural features, provided that such features shall not project more than 4 feet into any required yard or more than a distance equal to 20% of the required yard, whichever is less.

### 4.23 **Height Exceptions**

- a. The height provisions of this ordinance shall not apply to the erection of church spires, belfries, towers designated exclusively for ornamental purposes, flagstaffs, chimneys, flues, or gas holders. The height provisions of this ordinance shall, moreover, not apply to bulkheads, elevator enclosures, penthouses, water tanks, standpipes, or stage towers occupying in the aggregate less than 10% of the area of the roof on which they are located.
- b. Nothing in this ordinance shall prevent the erection above the height limit of a parapet wall or cornice extending above such height limit not more than 3 feet.
- c. The height provisions of this ordinance shall not prevent the erection of a permitted public building or facility not exceeding 40 feet in a residence zone.

#### 4.24 **Accessory Building and Uses**

No accessory building or structure shall be built on any lot on which there is not a principal building. Accessory buildings in all residential districts shall be subject to the following conditions:

- a. No accessory building shall be permitted in any front yard or any required side yard.
- b. Accessory buildings or uses in any rear yard shall not be closer than 4 feet from any side or rear property line.
- c. The total of all accessory buildings shall not occupy more than 40% of the required rear yard wherein they are located.
- d. No free-standing accessory building shall exceed 15 feet in height, unless otherwise permitted.
- e. All accessory buildings shall be located at least 6 feet from any principal building situated on the same lot.

#### 4.25 **Second Principal Building on Same Lot**

No lot in any residential district, except for approved multi-family dwellings in groups, boat clubs, beach clubs and marinas, and bed and breakfast establishments, shall contain more than one principal building or structure. (Effective: 6/1/98)

No building to be used as a dwelling shall be constructed, altered, or moved on, to, or in the rear of a building situated on the same lot, nor shall any building be constructed in front of, or moved to the front of a dwelling situated on the same lot.

#### 4.26 **Required Frontage and Access** (Effective: 2/18/05)

No use shall be permitted hereunder on any lot in the City of Groton, unless said lot has a minimum of 25 feet of street frontage. Further, no building permit shall be issued for any building or structure unless the lot for which such permit is sought has a minimum frontage of 25 feet. Said frontage must be owned by the applicant in fee, on a street accepted by the City of Groton, or approved by the Planning and Zoning Commission under the Subdivision Regulations of the City of Groton. Rights-of-way, or easements not owned in fee by the applicant, will not be accepted as frontage. Said minimum frontage of 25 feet must extend the full width of the lot, up to the commencement of the requisite yard line, and any lot with such minimum frontage shall otherwise include the minimum yard size as required in the district with the exception of rear lots. Rear lots must contain at a minimum twice the lot area requirements as required in the underlying district as well as meet the other requirements of this section and the additional requirements in Section 4.83.

In the cases where any lot has an accessway with a minimum frontage of twenty-five (25) feet as opposed to frontage along the full width of the front yard, the twenty-five (25) foot wide area between the streetline and the required width of the yard closest to the street shall be excluded in calculating the total area of the lot for purposes of minimum lot size. Such accessway shall not exceed a length of two hundred and fifty (250 feet (unless authorized under the provisions of Section 4.27), at which point the lot must meet the lot width requirements of the zone that the lot is located in and provide for all the minimum yard requirements as dictated by the district, although no side yard may be reduced below ten (10) feet. The maximum number of adjoining accessways shall not exceed two, unless otherwise permitted by the Planning and Zoning Commission at the time of subdivision approval. In those instances where rear lots are being serviced by separate accessways, a common or shared driveway may be provided anywhere within these access areas in conformance with Section 4.39. In addition, when rear lots are being served and accessways are adjoining, these accessways may be reduced to a twenty (20) feet width for each lot being served.

**4.27 Accessways in Excess of 250 Feet** (Effective: 8/1/00)

Accessways to serve lots may be permitted in excess of 250 feet at the discretion of the Planning and Zoning Commission when the following conditions are deemed to be met:

- a. Accessways are adequate in width, grade and alignment so that all buildings, structures, uses and equipment are readily accessible for fire, emergency, and police protection.
- b. Sufficient utility systems are suitably located and adequately designed to serve proposed uses and protect the public health and welfare.
- c. The accessway shall not exceed a length of 400 feet, at which point the lot must meet the lot width requirements of the zone that the lot is located in.
- d. New utilities provided to service uses and buildings on lots beyond the 250 foot length shall be installed underground.
- e. Where lot size, shape or excessive depths topography and/or significant land features such as bedrock, wetlands, or coastal resources, make it infeasible to comply with the provisions of Section 4.26, and the provision of Section 4.26 would deprive the owner or applicant of reasonable use of the property.

#### 4.28 **Fences and Walls**

In any residential zone, fences or walls not over 6 feet in height may be erected anywhere on the lot except as set forth in Section 4.29. Fences or walls with a height in excess of 6 feet may be permitted in any required yard of any residential zone, subject to Special Permit and Site Plan approval by the Planning and Zoning Commission. Retaining walls and tennis court fences are exempt from this provision.

#### 4.29 **Visibility at Intersections**

No structure, wall, fence, shrubbery, trees, or vehicles shall be erected, maintained, planted, or parked on any lot which unreasonably or dangerously obstructs or interferes with visibility of drivers of vehicles on a curve or at any street intersection. The minimum vision clearance shall require a height not exceeding 3 feet above the street grade within 25 feet of the intersecting street lines bordering corner lots.

#### 4.3 **Parking and Loading Regulations**

##### 4.31 **General**

Off-street parking and loading shall be provided in accordance with this section for any building or use hereafter created, enlarged, or increased. The number of parking and loading spaces required shall be based on construction or development activity after the effective date of this ordinance. Parking and loading space shall be maintained and shall not be encroached upon so long as said principal building or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

##### 4.32 **Obligation**

The requirement for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure or use is located as long as the structure or use is in existence and its use requiring vehicle parking facilities continues unless a change in use also changes the parking requirements. It shall be unlawful for an owner of any structure or use affected by this section to discontinue, change, or dispense with, or to cause the discontinuance of any vehicle parking or loading space. It shall be unlawful for any firm or corporation to occupy a structure without providing parking and loading spaces, which meet with the requirements of and is in compliance with this ordinance.

##### 4.33 **Collective Parking/Shared Parking** (New Effective: 9/1/98)

Nothing in this section shall be construed to prevent collective provision of off-street parking facilities for two or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall be not less than the sum of the requirements for the various uses computed separately. The Planning and Zoning Commission may reduce the parking requirements of Section 4.35 of these Regulations to allow for shared parking. Use of this provision is solely up to the discretion of the Planning and Zoning Commission subject to the requirements stated hereafter. This provision may be applied in any of the following instances:

1. Where in a mixed-use development, there are two or more land uses which have differences in their principal operating hours, thereby allowing utilization of the same parking spaces;
2. Where uses in a mixed-use development, although having similar operating hours, will in fact be geared to the same users, thus reducing the demand for parking spaces; or
3. Where a use is located within 500 feet of another use, such as a church or other public place of assembly that is not in operation during the same hours or days as

the first use, and where such church or public place of assembly is willing to make its parking available to the first use.

#### 4.34 **Location of Parking**

The parking spaces required for all residential dwellings shall be located in the same lot as the dwelling, and the parking spaces required for other uses shall be located on the same lot as the principal use or on a lot which is within 500 feet of the principal use, such distance to be measured along the street lines to the property. In industrial zones, if there are special and unusual circumstances that make it impractical to provide all required parking within 500 feet of the principal use, other provisions may be made for the location of parking provided it is a permitted use in the zone in which it is to be located and subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

When required parking spaces are provided on land other than the lot occupied by the principal use for which they are required, the land occupied by such spaces must be in the same possession as such principal use. The owner of such land must be bound by a covenant, recorded in the office of the Town Clerk binding such owner and his/her heirs and assigns to maintain the required number of parking spaces for the duration of the use served.

#### 4.35 **Size and Number of Spaces**

An off-street parking space, as used herein, shall be a space 9 feet in width and 20 feet in length. However, a parking space not less than 8 feet by 18 feet may be permitted in cases where the parking spaces are for the exclusive use of employees, or all vehicles are parked by an attendant, or the parking spaces are within a garage. A waiting position shall be a parking space in a line of approach. An off-street loading space, as used herein, shall be a space of not less than 12 feet in width, 40 feet in length, and 14 feet in height.

“Up to 30% of the parking spaces in any off-street parking area may be designated for compact cars with spaces not less than 16 feet long nor less than 8 feet wide. Further, the Building Code shall determine the number of spaces which shall be set aside for handicapped drivers.”

Off-street parking spaces shall be provided for all new uses or buildings hereafter constructed, reconstructed, or enlarged in accordance with the following schedule of requirements:

	USE	SPACES REQUIRED
a.	One-family dwellings.	2 spaces.
b.	Two-family dwellings.	3 spaces.
c.	Multiple-family dwellings.	1.75 spaces per dwelling unit.

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|----|---|--|
| d. | Housing for elderly.  | 0.75 spaces per dwelling unit.   |
| e. | Places of assembly, including, but not limited to churches, auditoriums, theaters, and stadiums.  | 1 space for each 4 fixed seats or equivalent gross floor area.   |
| f. | Food and beverage establishments, including, but not limited to, restaurants, taverns, bars, luncheonettes, soda fountains, clubs (public and private), fraternal organizations and lodges.                                     | 1 space for each 75 square feet of gross floor area.   |
| g. | Hotels, motels, and boarding, lodging, and rooming houses.  | 1 space for each rooming unit, plus required parking for facilities used for eating, drinking, assembly, and other such uses.  |
| h. | Automotive services, including, but not limited to gas stations, auto dealers, auto accessories, auto repair, auto body and paint shop, muffler installations, tire shops, engine and transmission overhaul shops and car wash. | 1 space for each 250 square feet of gross floor area; or 3 spaces per bay, lift or equivalent, whichever is greater. An attendant-operated or self-service car wash shall have at least 10 waiting positions for each bay between the street line and such bay for cars approaching and at least 2 waiting positions for cars leaving said bays. |
| i. | Open or outdoor businesses, including, but not limited to those which sell new and used: Motor vehicles, trailers, mobile homes, building supplies, machinery, equipment, swimming pools, nursery, and garden supplies.         | 1 space for each 1,000 square feet of lot area.  |
| j. | Boat docks, marinas, and boat yards.  | 1 space for each boat or or mooring facility.  |
| k. | Appliance, carpet, furniture, electrical, heating, and plumbing retail sales.   | 1 space for each 500 square feet of gross floor area.  |

- l. Other retail sales and service establishments. 1 space for each 250 square feet of gross floor area.
- m. General business and professional offices and financial institutions. 1 space for each 250 square Feet of gross floor area; or 2 spaces for each office or tenant, whichever is greater.  
  
A drive-in bank window shall have at least 5 waiting positions between the street line and said window for cars approaching and at least 1 waiting position for cars leaving said window.
- n. General hospital, convalescent, nursing or rest home. 1 space per 4 patients beds plus 1 space per employee during the maximum work shift.
- o. Manufacturing and industrial establishments. 1 space for each 3 employees on the maximum work shift.
- p. Wholesale and distribution businesses, warehousing and storage businesses, truck terminals and other enclosed non-industrial storage uses. 1 space for each 1,000 square feet of gross floor area or 1 space for each three 3 employees on the maximum work shift, whichever is greater.

“The requirements of o. or p., above, may be met in part by the provision of alternate transportation for employees in the following manner:

Each three occupied seats in a van or bus shall be considered as one parking space. A bus which makes repeated trips from outlying areas outside City limits to the establishment before the start of the maximum work shift shall be counted once for each trip.”

- q. Tour boat/Sport fishing boats. 1 space for every 2 passengers the boat is licensed to carry.
- r. Passenger ferries. 1 space for each 2 passengers the ferry is licensed to carry.

- s. Passenger and vehicle ferries. 1 space for every 2 passengers, less 1 space for every vehicle the ferry is licensed to carry.
- t. Taxi services facility. 1 space for each licensed cab plus 1 space for on-duty dispatcher. The Commission may allow for vehicles to be stacked.
- u. Group day care homes / Child day care center (New Effective: 9/1/98). 1 space per each child daycare centers employee or staff person plus 1 space per every 7 children (or fraction thereof) and that the facility is licensed to serve.
- v. Community Residential Counseling Facilities (CRCFs) and Halfway Houses (New Effective: 3/3/97). 1 space for each staff member on maximum shift plus 1 space for each 3 adult residents. Additional parking spaces may be required by the Planning and Zoning Commission based upon the nature and use of the facility.
- w. Bed and Breakfast Establishments (New Effective: 6/1/98). 1 space per guest room, 2 spaces for the resident-owner, and 1 space per non-resident staff employee on each shift.
- x. Vocational Training Facilities 1 space per employee or staff member on maximum shift plus one space per every 5 clients to be served based on the maximum number as stated in the application scope and services description. Additional parking spaces may be required by the Planning and Zoning Commission based upon the nature and use of the facility. (New Effective: 12/20/2007)
- y. **Specialized Classrooms** For Specialized Classrooms, a minimum of .33 parking spaces for every student, instructor, and supporting staff member, provided, however, if the Planning and Zoning Commission determines that the proposed classes will generate a greater demand for parking than can be accommodated by this ratio, it can, as a condition of the Special Permit, require additional spaces, as needed. (New Effective 12/9/2013)

- z. Micro-brewery-distillery-winery: One space per 1,000 s.f. of production/storage area, together with the requirements of Section 4.35(f) with respect to gross floor area devoted to sales or consumption. (New effective 9/30/2015)

#### 4.36 **Number of Loading Spaces**

Every hospital, institution, hotel, retail store, office building, wholesale house, warehouse or industrial building, or additions thereto to which or from which outside deliveries of materials or dispatches of materials are to be made by motor vehicles and totaling 8,000 square feet or more in floor area hereafter constructed, reconstructed or enlarged shall have on the lot one permanently maintained loading space and one additional loading space for each additional 16,000 square feet of floor area or major portion thereof, excluding basements.

#### Truck/Trailer Parking

No tractor trailer or truck loaded with merchandise shall be parked or stored on a lot for a period exceeding seven consecutive days in one calendar month, except in an industrially zoned district.

#### 4.37 **Space Computations**

For uses with more than 100 employees where parking spaces are required on the basis of the number of employees, an official of the firm or institution shall submit a semi-annual affidavit (beginning within 30 days of the effective date of this ordinance) certifying the number of employees on each work shift.

When units of measurements determining the number of required parking and/or loading spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require additional space.

The parking space requirements for a use not specifically listed in this section shall be determined by the Commission based on parking demand generation for a listed use of similar characteristics. (New Effective: 3/3/97)

#### 4.38 **Design Requirements**

The general layout and traffic circulation of parking and loading areas shall be designed so as to avoid unsafe conditions and traffic congestion in the streets upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area.

- a. Parking spaces and aisles shall be laid out in accordance with the “Design Standards for Off-Street Parking” as set forth hereinafter. All proposed curb cuts, access drives, and parking areas shall comply with all applicable requirements of the State Department of Transportation.
- b. Any enclosed loading spaces shall be located at least 30 feet from any street line, and any open loading space shall be so designed that trucks when loading or unloading will not project over any street line.
- c. Individual parking and loading spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Zoning and Building Official.
- d. No access drive, aisle or maneuvering area shall have a turning radius of less than 20 feet.
- e. Where vehicles will be located adjacent to sidewalks, fences, walls, required buffer strips, trees, landscaping, or similar constructions, a suitable bumper or curb shall be provided in such a location that the vehicle cannot overhang or otherwise damage said obstruction.
- f. Off-street parking and loading areas, including driveways, shall include an all-weather surface to the satisfaction of the Planning and Zoning Commission, or the Zoning Official in cases where the Zoning Official has final authority, such surface to

be stable, durable, dustless and graded and drained as to dispose of all surface water accumulation in the area. However, all such areas and driveways shall be paved in those sections where the proposed grade exceeds 10%. (Effective: 1/28/98)

- g. Any lighting used to illuminate any off-street parking or loading area shall be shielded and so arranged as to reflect the light away from adjoining premises and public rights-of-way.
- h. Landscaping of parking areas – All parking areas shall be landscaped in accordance with the requirements below; no parking lot is to be located in any required front yard.
  - (a) On any parcel where a Site Plan approval or Special Permit is required, and the parking area faces a street or property line, a planting area of the minimum width of 3 feet shall be provided between the parking area and the required setback line. The planting plan for this strip shall be approved by the Planning and Zoning Commission.
  - (b) Not more than 12 at-grade parking spaces shall be permitted in a continuous row, and not more than 24 spaces shall be permitted in a single parking area without being interrupted by landscaping.
  - (c) All parking areas with more than 5 spaces, and all loading areas that are contiguous to, or across the street from, the boundary of, or any property within any Residential Zone shall be bordered on all sides with a 10-foot-wide buffer strip. On such strip shall be located and maintained appropriate fencing and landscaping of suitable type, density, and height to effectively screen the parking area and the lights of motor vehicles adjoining residential areas.
  - (d) EXCEPTIONS:

Required parking for General Industrial (GI) and Restricted Industrial (RI) zones are exempt from Section 4.38 h. (a) and (b).

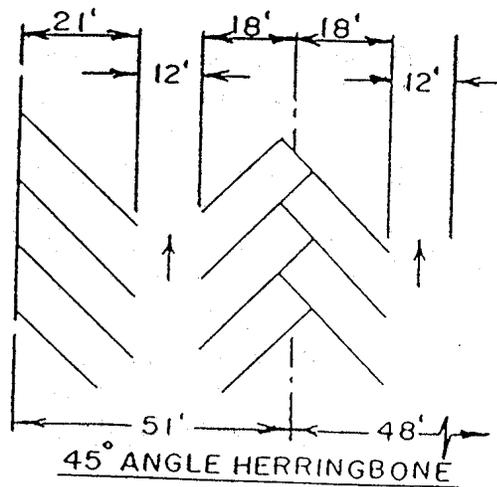
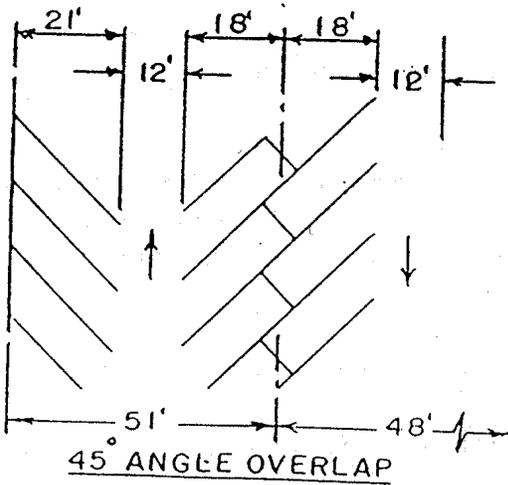
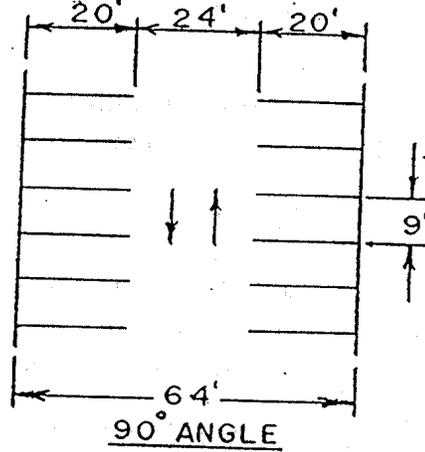
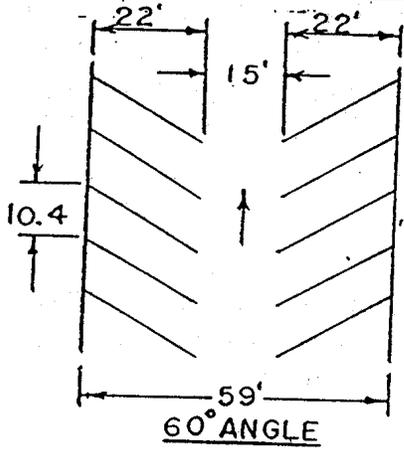
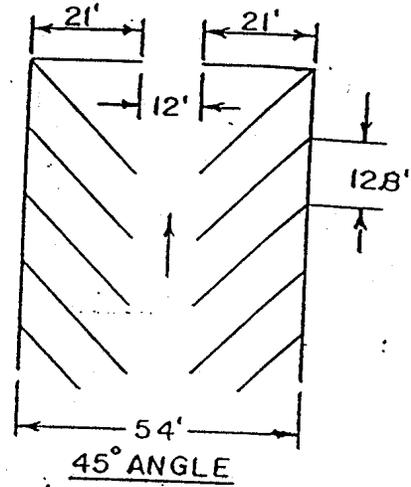
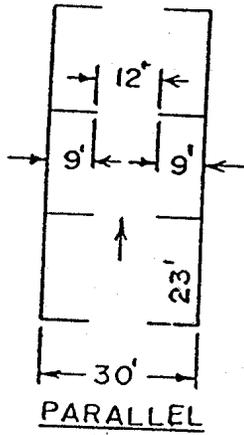
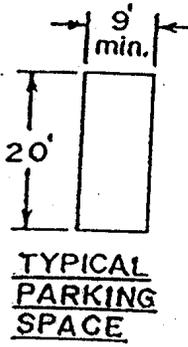
#### 4.39 **Access Drives** (Effective: 8/1/00)

No driveway or access road, to or from any property, shall be so located at its juncture with a street as to create a danger or menace to the community or to the convenience or proper use of the adjacent property. No driveway shall provide access to a lot located in another Zoning District, if said lot is used for any use, principal or accessory, not permitted in the district in which such driveway is located.

- a. No driveway shall be located closer than 50 feet to any street intersection measured along the street lines. In any non-residential district, no two driveways on the same lot shall be located closer than 25 feet to each other at their closest limits.

- b. No lot having less than 200 feet of street frontage shall have more than two driveway entrances and/or exits on each street abutting the lot. Lots with more than 200 feet of street frontage may have up to one driveway entrance and/or exit for each 100 feet of additional street frontage.

# DESIGN STANDARDS FOR OFF-STREET PARKING





#### 4.4 **Sign Regulations**

##### 4.41 **General Requirements**

It is the intention of these sign regulations to promote the public safety, protect property values, create an attractive business climate and enhance the physical appearance of the community. No sign, except as provided in Section 4.42, Paragraph a., and Section 4.47, hereof, shall be erected or structurally altered unless an application for a Sign Permit has been approved by the Zoning and Building Official. (updated: July 23, 2013)

###### a. **Maintenance**

All signs, together with their supports, braces, guys, and anchors, shall be kept in good repair and in safe condition. The owner of the premises in which a sign is erected shall be directly responsible for keeping such sign and premises around it in a safe, sanitary, neat, and clean condition.

Any sign, now or hereafter existing, which no longer identifies or advertises a bona fide business conducted, product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent, or person having beneficial use of the building, structure, or lot upon which the sign is located within sixty-five days of such cessation.

###### b. **Illumination**

Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained only for the purposes of illuminating the subject sign and/or premises.

##### 4.42 **Signs Permitted in All Zones**

a. The following signs are permitted in all zones provided they meet the General Requirements of Section 4.21:

- (1) One non-illuminating identification sign not to exceed 2 square feet in area or 8 feet in height, stating the name and address of the occupant. Home occupations on file with the Zoning Official may also state the occupation or profession on the sign.
- (2) A marker not to exceed 2 square feet identifying a historic building.
- (3) A sign erected by the City, State, or Federal Government.
- (4) A sign erected by a public carrier for direct information concerning its service at the location.

- (5) A sign erected by any fraternal, civic, religious or service organization or club, merely announcing its presence in the City of Groton and the time and place of its regular meeting, provided such sign shall not exceed 3 feet in diameter nor 9 square feet in area.
- (6) Any flag, badge, insignia or device or any governmental agency or civic, charitable, religious, patriotic, political, fraternal, or similar non-profit organization when displayed along a line of march of any parade, or in sockets along any street during a fundraising drive.
- (7) One temporary, non-illuminated real estate sign identifying the lease or sale of a building and/or lot provided such sign is set back at least 10 feet from any street line and provided it is removed within 35 days after the sale or lease of said building and/or lot and further provided the area of said sign shall not exceed the following:

One or two family dwelling	4 square feet
Any other use permitted zone including the WBR Zone.	24 square feet residential
Any use permitted in the GC, GI, or RI Zone.	32 square feet for each 25 feet the sign is set back from the street line, however, no sign shall exceed 300 square feet.

- (8) Temporary political signs displayed during election campaigns provided no sign shall exceed 4 square feet in a residence zone or 24 square feet in a business or industrial zone.

- b. A temporary construction sign is permitted in any zone subject to approval of a sign permit and provided the sign is non-illuminated, does not exceed 32 square feet in area, identifies an engineer, architect, and/or contractor engaged in development of land or construction or alteration of buildings and further, provided such sign is set back at least 10 feet from any street line and is removed upon completion of construction.

**4.43 Signs Permitted in Residence Zones**

The following signs are permitted in all Residence Zones, including the R-12 and WBR Zones.

- a. One non-illuminated or indirectly illuminated identification sign for each separate street line of an approved Special Permit Use not to exceed 9 square feet in area nor 8 feet in height; and further limited as follows: said sign shall be subject to the

applicable side and rear yard requirements for principal buildings and a minimum of 50% of the applicable front yard requirement for principal buildings; the height of such sign shall not be greater than the distance it is located from any lot line; the square foot area of such sign shall not be greater than one-half the linear foot distance it is located from any lot line.

- b. Other signs shall be limited to directional signs necessary for public safety or convenience.
- c. In the WBR Zone, only one projecting sign is permitted for each use on the street front floor with the following restrictions:
  - (1) No sign shall exceed 2 feet in any dimension.
  - (2) A 10-foot clearance over the existing grade or walk must be maintained.
  - (3) The projecting sign area shall be included in the total sign area for wall signs.

#### 4.44 **Signs Permitted in Non-Residential Zones**

The following signs are permitted in the GC, GI, and RI Zones and for non-residential uses in the WBR Zones.

- a. Illuminated identification signs shall be permitted for each separate street line.

- (1) **Ground Signs**

There shall be only one sign along any street line for each separate use on the premises. The total sign area along each street line may be increased by an area to setback ratio of (2:1) 2 square feet of sign area for each linear foot of yard setback as measured from a street or lot line, provided that the minimum required setback from any street or lot line shall be 10 feet. The sign height may be increased up to the maximum permitted height in the applicable zone by a height to setback ratio of (1:1) 1 foot in sign height for each linear foot of yard setback as measured from a street or lot line, provided that the minimum required setback from any street or lot line shall be 10 feet.

- (2) **Wall Signs**

There shall be only one sign on any building facing wall for each separate use of the building. The total sign area on each building facing wall shall not extend 20% of the gross area of said wall. The Commission may, as deemed necessary, appropriate or desirable in its judgment, permit additional wall signs, in the same manner as above on a building wall which faces and adjoins a significant and substantial accessory off-street parking structure, lot or area.

(3) Projecting Signs

One projecting sign on any building facing wall may be permitted for each separate use of the building, provided that the sign area is included as part of the total sign area for wall signs. Said projecting sign shall extend under a roof and over a walkway and shall not exceed 4 feet in any dimension.

(4) Identification Signs

No identification signs shall be permitted in any required side or rear yard adjoining a Residential District.

- b. Other signs necessary for and exclusively limited to directional or safety purposes shall be allowed.
- c. The aggregate area of all signs on the premises shall not exceed 5% of the gross floor area of all buildings on the lot.
- d. No trailer-mounted signs shall be permitted, unless they meet all setback, height, and size requirements of ground signs, and a permit is issued for same by the Zoning Official.

4.45 **Commercial Advertising Signs in Non-Residential Zones**

Indirectly illuminated commercial advertising signs are permitted in the GC, GI, and RI Zones subject to Special Permit and Site Plan approval and the following conditions:

- a. Not more than one commercial advertising sign shall be permitted on a lot and the sign area of such sign shall not exceed a length of 48 feet nor a vertical dimension of 14 feet. All such commercial advertising signs shall be ground signs.
- b. Such signs shall be located only where the applicable zone extends at least 250 feet in all directions from the proposed sign and shall not be placed closer than 750 feet apart, measured along the center-line of the street to any other such sign.
- c. Such signs shall comply with all yard requirements for principal building in the applicable zone, but in no case shall such yard setback be less than 20 feet from any lot line.
- d. The maximum height of the structure shall not exceed the maximum height for principal buildings in the applicable zone, nor shall it exceed a height of 40 feet above the ground level nor 24 feet above the curb level of the street to which it is oriented.
- e. When such signs are visible from the main traveled way of a limited access highway and are located within 500 feet of such highway, they shall not be placed

closer than 3,500 feet apart measured along the center-line of such highway to any other such sign.

- f. When pre-existing commercial advertising signs exist, the owner may apply to the Planning and Zoning Commission to remove and relocate such sign with a new commercial advertising sign of equivalent size which conforms to this section in all respects; except that the Commission may allow such relocation 50% closer to other commercial signs than otherwise required.

#### 4.46 **Prohibited Signs**

The prohibitions contained in this section shall apply to all signs, all artificial lighting and all zones, regardless of designation, within the City of Groton.

- a. No sign or advertising device shall be erected, used or maintained which in any way simulates official directional or warning signs erected or maintained by the Federal, State or City Governments for the protection of the public health and safety.
- b. No sign or advertising device shall be erected or maintained in such a manner as to obstruct or interfere with the free and clear vision on any street, driveway or navigable channel.
- c. No sign or advertising device shall be erected or maintained with any lighting control mechanism which may cause radio or television interference.
- d. No illuminated sign or lighting device shall be placed or directed on any property in a manner that would permit the light beams and illumination therefrom to be directed or beamed onto a public street or walkway, or onto adjoining properties so as to cause glare or reflection that might constitute a traffic hazard or public nuisance.
- e. No animated sign or advertising device shall be erected.
- f. No flashing sign or advertising device which creates intermittent or varying light intensity shall be erected.
- g. No projecting sign shall extend more than 15 inches beyond the building walls or parts thereof, except as otherwise provided in these sign regulations.
- h. No roof sign shall be erected.
- i. No building or part thereof, such as a gable, roof, or wall, shall be outlined by direct illumination for the purpose of commercial advertising.
- j. No sign shall be attached to or be erected or maintained in such a manner as to obstruct any fire escape, window, door, or other building opening used for egress and ingress, ventilation or other fire fighting purpose.
- k. No commercial advertising sign shall be allowed, except as otherwise provided in Section 4.45 hereof.
- l. No signs shall be painted directly on any roof, wall or pole.

#### 4.47 **Exempt Signs**

Banners suspended overhead from municipally owned poles along city streets, sponsored, in part or solely by the City of Groton and/or Groton Utilities. (updated: July 23, 2013)

## 4.5 **Performance Standard Regulations**

### 4.51 **General**

No building or use shall create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electromagnetic or other substance, condition or element in such manner, or in such amount, as to adversely affect the reasonable use of the surrounding area or adjoining premises (referred to herein as “dangerous or objectionable elements”); except in accordance with the performance standards set forth hereinafter.

### 4.52 **Zoning Districts**

Performance standards shall apply to all lands, buildings, structures, and uses in all zones, whether a permitted use, a special permit use, an accessory use or a non-conforming use.

### 4.53 **Procedure**

- a. The Planning and Zoning Commission or Zoning and Building Official may require, as a part of any application for a Special Permit or Building Permit, respectively, that the applicant submit a written statement of the proposed use of the building, structure or use for which the application is made, together with a certificate by a registered professional engineer, qualified scientist, or other recognized authority as to his/her best estimate as to the impact of the proposed use from the standpoint of the standards set forth in Section 4.56 of these Regulations, and what, if any, environmental protection measures will be taken.
- b. Where certain aspects of a proposed use are regulated by State or Federal governmental agencies, no Certificate of Occupancy shall be issued for any building, structure or use until approvals are obtained from such agencies and copies thereof are submitted to the Commission or Zoning and Building Official.

### 4.54 **Compliance**

Initial and continued compliance with these Performance Standards shall be required of every building, structure and use.

### 4.55 **Enforcement**

Measurements to determine present compliance and estimates to determine future compliance may be made by, and at the discretion of, the Zoning and Building Official, Fire Marshal or Health Officer of the City or their qualified agents. The Zoning and Building Official may, at his discretion, require the owner or user of the property to furnish current measurements or estimates within a reasonable time in appropriate cases.



#### 4.56 **Standards for Dangerous or Objectionable Elements**

In addition to the performance standards set forth hereinafter, all relevant provisions of any other Federal, State and City laws and Regulations shall also apply.

- a. Smoke, fly ash and other dusts, gases, fumes, odors and dust-producing substances – no person shall cause or allow any smoke, fly ash and other dusts, gases, odors, fumes and dust-producing substances to be discharged or emitted into the open air, except in accordance with State or Federal statutes and regulations thereunder.
- b. Fire and explosion hazards – All activities involving, and all storage of, inflammable and explosive materials shall be protected at any point, with adequate safety devices protecting against the hazard of fire and explosion and with adequate fire-fighting and fire suppression equipment and devices.
- c. Heat – Heat, defined as thermal energy of a radiative, conductive or convective nature, emitted at the lot line by any use or facility shall not exceed the temperatures tolerable to plant or animal life.
- d. Radioactive or electromagnetic disturbance – No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation, at any point, of any equipment other than that of the creator of such disturbance.
- e. Noise – The maximum sound pressure level radiated at the lot or street line by any use or facility shall not exceed the values tolerable in a specifically affected residential neighborhood, unless such levels are specifically authorized as an integral part of a Special Permit and Site Plan approval.
- f. Vibration – No vibration shall be permitted which is detectable without instruments at the lot or street line.
- g. Direct and Indirect Glare – Glare caused by direct or specifically reflected rays from incandescent, fluorescent, or arc lighting, or caused from high temperature processes, such as welding or metallurgical refining, or caused by diffuse reflection from a surface, such as a wall or roof of a structure, shall not be permitted at or beyond the lot line. Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.
- h. Liquid or Solid Waste – No discharge or deposit shall be permitted at any point into any sanitary sewerage systems, waterbodies, watercourses, or into the ground, of any materials of such quantity, nature or temperature as can contaminate any water or land or otherwise cause the emission of dangerous or objectionable elements, except in accordance with the State and City Health and/or Sanitary Codes.

Waste materials used for the purpose of fill may be permitted only in areas designated by the Commission, subject to Special Permit and Site Plan approval in accordance with Section 4.11, herein.

## 4.6 **Coastal Area Management**

### 4.61 **Application**

Each application for a Coastal Site Plan Review shall be submitted in triplicate to the Commission at least fourteen days prior to a regularly scheduled meeting. A Coastal Site Plan and the application, along with an application fee, as determined from time to time by the Commission, and any supporting documents will constitute a complete application.

### 4.62 **Coastal Site Plan Review Required**

All buildings, uses and structures fully or partially within the coastal boundary, as defined by Section 22a-94 of the Connecticut General Statutes, and as adopted and delineated on the Coastal Boundary Map for the City of Groton, shall be subject to the coastal site plan review requirements and procedures in Sections 22a-105 through 22a-109 of the Connecticut General Statutes.

### 4.63 **Coastal Site Plan Review Exemptions**

1. Pursuant to Section 22a-109(b) of the Connecticut General Statutes, the following activities are exempt from coastal site plan review requirements:
  - a. Gardening, grazing and the harvesting of crops;
  - b. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds;
  - c. Construction of new or modification of existing structures incidental to the enjoyment and maintenance of a one- or two-family residential property, including, but not limited to, walks, terraces, driveways, swimming pools, tennis courts, docks, and detached accessory buildings;
  - d. Construction of the following new or modifications of the following existing on premise structures: fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs, and such other minor structures as will not substantially alter the natural character of coastal resources, as defined by Section 22a-93(7) of the Connecticut General Statutes or restrict access along the public beach;
  - e. Construction of an individual single family residential structure, except in or within 100 feet of the following coastal resource areas, as defined by Section 22a-93(7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, beaches and dunes;

- f. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal and water resources.
  - g. Interior modifications to buildings;
  - h. Minor changes in use of a building, structure, or property except those changes occurring on property adjacent to or abutting coastal waters.
2. The foregoing exemptions from coastal site plan review requirements shall apply to the following site plans and applications:
- a. Site plans submitted to the Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes;
  - b. Application for a special permit submitted to the Planning and Zoning Commission in accordance with Section 8-2 of the Connecticut General Statutes and Article 6, Section 6.5 of these Regulations.
  - c. Applications for a variance submitted to the Zoning Board of Appeals in accordance with Subsection (3) of Section 8-6 of the Connecticut General Statutes and Article 6, Section 6.2 of these Regulations; except that a use variance shall not be exempt from coastal site plan review.
  - d. A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

#### 4.64 **Coastal Site Plan Contents**

A coastal site plan shall include a plan showing the location and special relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing and methods of construction; an assessment of the capability of the resources to accommodate the proposed site; evaluation of the potential beneficial and adverse impacts of the project and a description of proposed resources.

“Any person submitting a coastal site plan, as defined above, shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies of Section 22a-92 of the Connecticut General Statutes.”

#### 4.65 **Coastal Site Plan Action**

The Board or Commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the Connecticut General Statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan

on the basis of the criteria listed in Chapter 444, Section 22a-106 of the Connecticut General Statutes. Further, pursuant to Connecticut General Statutes Section 22a-106(e), the reviewing commission must find that the proposed activity is consistent with all applicable goals and policies of Section 22a-92 and incorporate as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

“The Board or Commission approving, modifying, conditioning or denying a coastal site plan on the basis of criteria listed above shall state in writing the findings and reasons for its action.”

#### 4.66 **Coastal Resource Setback**

In addition to the requirement of lot, building and yard requirements by zoning district, the following shall apply to all the lots within the designated Coastal Area boundary, as shown on the map entitled, “Coastal Area Management Boundary” on file in the office of the City Clerk: No new building construction, including minor additions to or modifications of existing buildings, such as garages, utility sheds, pools, tennis courts or parking lots, shall be permitted within 25 feet of any tidal waterbody or watercourse or of the following coastal resource areas: tidal wetlands, coastal bluffs, escarpments, beaches or dunes, as defined by Chapter 444, Section 22a-93(7) of the Connecticut General Statutes or shown on the map entitled, “Coastal Resource Map” on file in the office of the City Clerk. This section shall not apply to Section 3.1 Waterfront Business Residence Zone District or to water-dependent uses as defined by Chapter 444, Section 22a-93(16) of the Connecticut General Statutes.

## 4.7 **Flood Protection**

### 4.71 **General**

The provisions of this Section are adopted to fulfill requirements for participation by the City of Groton in the National Flood Insurance Program. The provisions of this section, as well as those of the ordinance concerning floodplain management, shall apply to the areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated August 5, 2013, and accompanying Flood Insurance Rate Maps (FIRM), dated August 5, 2013, and other supporting data applicable to the City of Groton, and any subsequent revisions thereto, are adopted by reference and declared to be a 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, AE, and VE, including areas designated as a floodway on a FIRM. Zone VE is also identified as a Coastal High Hazard Area. 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. BFEs provided on a Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The provisions of this section shall apply to areas of special flood hazard, as determined by the FIRMs provided to the City of Groton by FEMA, as well as the provisions of the ordinance concerning Flood Plain Management adopted. (updated: July 23, 2013)

The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages. This regulation shall not create liability on the part of the City of Groton or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder. The City of Groton, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the City of Groton. (updated: July 18, 2011)

### 4.72 **Definitions**

The definitions of terms used in this section are listed in the Definitions section of these Regulations.

### 4.73 **Special Flood Hazard Areas**

Special flood hazard areas shall be those identified on the Official Flood Insurance Rate Map (FIRM) of the City of Groton.

#### 4.74 **General Requirements**

In all areas of special flood hazard, the following provisions shall apply in addition to those set forth elsewhere in these Regulations:

- a. All applications for building permits within the flood hazard area shall include with the application the base flood elevation data from the FIRM for that portion of the activity located within the flood hazard area.
- b. The Planning and Zoning Commission shall review plans for new developments requiring Site Plan approval or Special Permit in order to determine whether such development is consistent with the need to minimize flood damage within the flood prone areas and to determine whether proposed developments and building sites will be reasonably safe from flooding. Special consideration shall be given to the placement of public utilities and the provision of adequate drainage to reduce exposure of flood hazards. (added July 18, 2011)
- c. In riverine situations, the Planning and Zoning Commission shall notify adjacent communities and the Connecticut Department of Environmental Protection prior to approving any activity involving alterations or relocation of the watercourse and submit copies of such notice to the Federal Emergency Management Agency.(added July 18, 2011)
- d. All building permits for new construction, substantial improvements (including placement of prefabricated buildings), or other development shall require, as a condition of building permit approval, confirmation by the Zoning and Building Official that the development is designed and constructed so as to minimize flood damage.
- e. The Building Official shall record the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new construction or substantially improved structures and shall record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed. In coastal high hazard areas (VE zones), the building official shall record the elevation of the bottom of the lowest horizontal structural member for all new construction and substantial improvements to structures. All records pertaining to the provisions of these Regulations shall be maintained on file.(added July 18, 2011)
- f. 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.
- g. New construction and substantial improvements shall be constructed with materials resistant to flood damage.

- h. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- i. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- j. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into flood waters.
- k. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- l. All manufactured homes to be placed within Zone A, AE and VE on the City's FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.(added: July 18, 2011)
- m. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- n. When base flood elevation data or floodway data have not been provided, the Planning and Zoning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this regulation. (added: July 18, 2011)

#### 4.75 **Building Permit Requirements**

On all building permit applications for development in the special flood hazard areas, the following information is required:

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- c. Description to the extent to which any watercourse will be altered or relocated as a result of proposed development;

- d. Assurances that the flood carrying capacity of any watercourse and its related flood plain is maintained;
- e. Copies of all applicable Federal and State permits shall be included with the building permit.

#### 4.76 Specific Requirements for Flood Hazard Reduction

In all areas of special flood hazard, Zones A and AE, the following provisions shall apply:  
In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 4.71 or which may have been determined in Section 4.74(e), the following provisions shall apply:

- a. All new construction and substantial improvements to residential structures shall have the lowest floor, including the basement, elevated to or above the base flood level, as determined on the FIRM;
- b. All new construction and substantial improvement of non-residential structures shall have the lowest floor, including the basement, elevated or flood-proofed to or above the base flood level, as determined on the FIRM; Floodproofing standards are provided in Section 4.76 d.

Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls (wet flood-proofing). Designs for complying with this requirement must either be certified by a registered professional engineer or architect, or meet the following minimum criteria **listed in sections (1)-(7) below:**

- c. Provide a minimum of two (2) openings (hydraulic flood vents) having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding. These hydraulic openings must be located on at least two different walls. Only the area (square footage) that lies below the base flood elevation can be used in the calculation of net area of vents required. If the structure has more than one enclosed area, openings must be installed in the exterior walls of each enclosed area so that flood waters can enter directly from the outside;
- d. The bottom of all openings shall be no higher than one (1) foot above the finished grade adjacent to the outside of the foundation wall. At least one entire side of the structure's fully enclosed area must be at or above grade. Fill placed around the foundation walls must be graded so that the elevation inside the enclosed area is equal to or higher than the adjacent outside elevation on at least one side of the building. The finished floor of the enclosed area shall be no lower than the bottom of the foundation openings. The foundation slab of a residential structure, including the slab of a crawlspace, must be set equal to the outside finished grade on at least one side of the building;

- e. The openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic entry and exit of flood waters in both directions without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means. These coverings must not block or impede the automatic flow of floodwaters into and out of the enclosed area. Other coverings may be designed and certified by a registered professional engineer or approved by the Building Official;
- f. The area cannot be used as finished living space. Use of the enclosed area shall be the minimum necessary and shall only be used for the parking of vehicles, building access or limited storage. Access to the enclosed area shall be the minimum necessary to allow for the 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). The enclosed area shall not be used for human habitation or partitioned into separate rooms;
- g. All interior walls, floor, and ceiling materials located below the base flood elevation shall be unfinished and resistant to flood damage.
- h. Electrical, plumbing, HVAC ductwork, machinery or other utility equipment and connections that service the structure (including, but not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation, washer and dryer hook-ups, electrical junction boxes, circuit breaker boxes and food freezers) are prohibited in the fully enclosed area below the base flood elevation. Utilities or service equipment located in this enclosed area, even if elevated above the base flood elevation in the space, will subject the structure to increased flood insurance rates.
- i. A residential building with a structurally attached garage having the floor slab below the base flood elevation is considered an enclosed area below the BFE and must meet the standards of Sections 4.76 c. (1)-(6). A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry and exit of floodwaters in both directions. Flood openings or vents are required in the exterior walls of the garage or in the garage doors. Garage doors that must be manually opened do not meet the flood vent opening requirements in Section 4.76 c. (1)-(3). In addition to the automatic entry of floodwaters, the areas of the garage below base flood elevation must be constructed with flood resistant materials. Garages attached to non-residential structures must also meet the aforementioned requirements or be dry floodproofed as per the requirements of Section 4.76 d. (July 18, 2011)
- j. in accordance with specifications of 60.3 (c)(5).

Require that manufactured homes placed or substantially improved within **A or AE** zones A1-30, AH and AE zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored:

- i. outside a manufactured home park or subdivision;
- ii. in a new manufactured home park or subdivision;

- iii. in an expansion to an existing park which a manufactured home has incurred substantial damage as a result of a flood.

In A and AE zones A1-30, AH, and AE zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that:

- i. the lowest floor is at or above the BFE, or;
- ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored.

In A1-30, AH, and AE zones A and AE zones , all recreational vehicles to be placed on a site must be elevated and anchored meeting the requirements of section 4.74 l. and 4.76 c., or to be on the site for less than 180 consecutive days or be fully licensed and highway ready. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (July 18, 2011)

Require that manufactured homes placed or substantially improved within V1-30, VE, and V zones, which meet one of the following location criteria, meet the V zone standards in 60.3(e) (2) through (e)(7);

- i. outside a manufactured home park or subdivision;
- ii. in a new manufactured home park or subdivision;
- iii. in an expansion to an existing manufactured home park or subdivision;
- iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

In V1-30, VE and V zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated to that

- i. the lowest floor is at or above the BFE, or;
- ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored.

In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

- k. Non-residential structures shall be flood-proofed at or above the base flood elevation. Together with all attendant utilities and sanitary facilities, the areas of the structures below the required elevation shall be watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with

acceptable standards of practice for meeting the provisions of this section. Such certification shall be provided to the Building Official.

#### 4.77 **Requirements for Coastal High Hazard Areas (Zone VE)**

Located within the areas of special flood hazard are areas designated as Coastal High Hazard areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:

- a. The requirements contained in Section 4.74(f) through 4.74(l);
- b. All new construction or substantial improvement shall be located landward of the reach of the Connecticut Coastal Jurisdiction Line as defined in CGS 22a-359 as amended by Public Act 12-101. (updated: July 23,2013)
- c. All new construction or substantial improvement shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located above the base flood elevation level, with all space below the lowest supporting member open as not to impede the flow of water;
- d. All new construction or substantial improvement shall be securely anchored on pilings or columns;
- e. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water-loading values which equal or exceed the one hundred year mean recurrence interval (1% annual chance floods and winds).
- f. 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, specifications and plans for construction are in accordance with acceptable standards.
- g. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Building Official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been considered:
  1. Particle composition of fill material does not have a tendency for excessive natural compaction;
  2. Volume distribution of fill will not cause wave deflection to adjacent properties; and

3. Slope of fill will not cause wave run-up or ramping.

- h. Non-supporting breakaway walls, lattice work or mesh screening shall be allowed below the base flood elevation provided it is not part of the structural support of the building and is designed so as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which it is to be used and provided the following specifications are met:
  - 1. Design safe loading resistance of each wall shall be not less than 10 nor more than 20 pounds per square foot; or
  - 2. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event.

Maximum wind and water loading values to be used in this determination shall each have 1% chance of being equaled or exceeded in any given 100-year mean recurrence interval.

- i. If breakaway walls, lattice work or screening are utilized, the resulting enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- j. Prior to construction, plans for any structures that will have breakaway walls, lattice work or screening must be submitted to the Zoning and Building Official for approval.
- k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, latticework, or screening, as provided in Section 4.77(h).
- l. There shall be no alteration of sand dunes which would increase potential flood damage.
- m. Require that manufactured homes placed or substantially improved within VE zones, which meet one of the following location criteria, meet the VE zone standards in section 4.77 a. – 1.;
  - i. outside a manufactured home park or subdivision;
  - ii. in a new manufactured home park or subdivision;
  - iii. in an expansion to an existing manufactured home park or subdivision;

- iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood.

In VE zones, require that manufactured home to be placed or substantially improved in an existing manufactured home park to be elevated so that:

- i. the lowest floor is at or above the BFE, or;
- ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored.

In VE zones, all recreational vehicles to be placed on a site must be elevated and anchored, meeting the requirements of section 4.74 l. and 4.77 m., or be on the site for less than 180 consecutive days and be fully licensed and highway ready. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (July 18, 2011)

#### 4.78 Requirements for Floodways

Located within areas of special flood hazard are areas designated as floodways on the City's Flood Insurance Rate Map or other available source. In these areas, encroachments, including fill, new construction, substantial improvements, and other developments, are prohibited unless certification with supporting technical data, by a Connecticut registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that the encroachments shall not result in any (0.00 feet) increase in flood levels during occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

The City may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the City's request or not), the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than 1 foot at any point within the community.

In Zone A when base flood elevations become available and in Zone AE when base flood elevations have been determined, but before a regulatory floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase the water surface elevation of the base flood elevations more than 1 foot at any point the community when all existing and anticipated development is considered cumulatively with the proposed development. (July 18, 2011)

#### 4.79 Variances

The Zoning and Building Official shall maintain a record of all flood protection variance actions, including justification for their issuance, and biennial report such variances issued

in the annual report submitted to the Federal Emergency Management Agency.(July 18, 2011)

- a. An applicant for a variance to this section shall be notified by the Building and Zoning Official that the issuance of a variance to construct a structure below the base flood level will result in increased rates for insurance coverage, and that a record of all flood protection variance action and resulting construction shall be maintained.
- b. A variance shall not be granted if the Zoning Board of Appeals determines that:
  1. No exceptional hardship would result from failure to grant the variance;
  2. Granting the variance would result in increased flood heights, additional threats to the public safety, extraordinary public expense, or creation of a nuisance.
  3. Within any designated floodway, an increase in flood levels during the base flood discharge would occur as a result of such variance.
- c. Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally-dependent use provided the structure or other development is protected by methods that minimize flood damage and create no additional threat to public safety.
- d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of risk resulting from the reduced lowest floor elevation up to amounts as high as \$25.00 for \$100.00 of insurance coverage.

**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.

**Compensatory Storage.** The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of

the floodplain. storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

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

**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.

**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.)

**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. **(July 18, 2011)**

4.8 **Repealed** (New effective: 4/8/97)

4.81 **Repealed** (New effective: 4/8/97)

4.82 **Repealed** (New effective: 4/8/97)

4.83 **Additional Requirements for Rear Lots** (Effective: 02/18/05)

1. Rear Lots shall have a landscaped buffer along each property line excluding the driveway access to the property. The landscaped buffer is intended to provide visual screening between the rear lot and adjacent properties and shall include a mix of plantings with a minimum of 10' width strip of evergreen plantings.
2. Lot Coverage for rear lots shall be a maximum of 12.5% of the rear lot area not including the accessway.

5.0 **ARTICLE 5 – NON-CONFORMING USES, STRUCTURES AND LOTS**

5.1 **Declaration**

A non-conforming use, structure or lot is one which existed lawfully on the effective date of these Regulations or any amendment thereto, and which fails to conform to one or more of the applicable provisions or requirements of these Regulations or such amendment thereto.

a. **Continuance**

Notwithstanding any other provision of these Regulations, a non-conforming use, structure or lot, as defined herein, may be continued, except as otherwise specified in this section.

b. **Ownership**

Nothing in these Regulations shall be deemed to require discontinuance of a non-conformity because of mere change of title or possession or right of possession of property, except as otherwise provided in Section 5.8, Non-Conforming Lots.

5.2 **Change in Use**

The Planning and Zoning Commission, subject to Special Permit and Site Plan approval, may allow a change from one non-conforming use to another non-conforming use provided that the proposed use is similar in intensity to the existing use, will have a lesser impact upon the surrounding area than the existing use, and the required parking and/or loading spaces will not increase. This section shall not permit the proposed use to violate any other provisions of these Regulations with regard to dimensional or distance requirements between individual uses and other uses or facilities specifically listed in these Regulations. (Effective: 3/3/97)

Whenever a non-conforming use has been changed to a conforming use or to a use permitted in the same zoning classification, it shall not thereafter be changed to a non-conforming use.

5.3 **Movement**

A non-conforming use or structure may be moved or relocated within the structure on the lot or outside the lot provided that such moving or relocation will reduce or eliminate the non-conformity and subject to Special Permit and Site Plan approval by the Planning and Zoning Commission.

5.4 **Extension or Enlargement**

A non-conforming use or structure shall not be extended or enlarged to diminish the extent of conformity.

### 5.5 **Alterations**

No non-conforming use or structure shall be structurally altered, except to make it a conforming structure or to comply with requirements of health and safety laws or ordinances.

### 5.6 **Restoration**

When a building, whether conforming or non-conforming, in which there is a non-conforming use is damaged or destroyed by fire, collapse, explosion, act of God or act of the public enemy, it may be restored only to its previous floor area, cubical content and exterior appearance and the non-conforming use continued to the same extent as said use existing before such destruction, provided that such rebuilding is commenced within one (1) year of such damage and such non-conforming use restored within two (2) years of such damage. Changes to the exterior appearance of a building may be permitted following approval of a Site Plan by the Commission when the Commission determines that such change is more compatible with the surrounding neighborhood. (Effective: 10/09/06)

### 5.7 **Discontinuance**

Any non-conforming use that has been abandoned shall thereafter conform to the provisions of the ordinance. Any non-conforming building, structure or land, or building, structure and land in combination, the use of which has been abandoned, shall thereafter conform to the provisions of the ordinance.

The term abandonment, as used herein, shall mean the voluntary discontinuance of a use, when accompanied by intent not to reestablish such use. Any of the following shall constitute prima facie evidence of intent to abandon:

- a. Any positive act indicating such intent; or
- b. Any conscious failure to take all necessary steps to resume the non-conforming use with reasonable dispatch; or
- c. In the case of a structure or of a structure and land in combination, discontinuance of the non-conforming use for six (6) consecutive months or for a total of eighteen (18) months during any three-year period; or
- d. In the case of land only, discontinuance of the non-conforming use for sixty (60) consecutive days, or for a total of three (3) months during any one-year period. (Effective: 10/09/06)

## 5.8 **Non-Conforming Lots**

If two or more adjoining lots of record, one or both of which fail to meet the requirements of these Regulations with regard to lot area, lot width, yard requirements and/or coverage, have continuous frontage and are in a single ownership at the effective date of these Regulations, and if such lots are taken together would form one or more lots, each more nearly meeting the requirements of these Regulations with regard to lot area, lot width, yard requirements, and/or coverage, such lot or lots shall no longer be considered legally existing on the effective date of these Regulations and must be used in compliance with the zoning requirements irrespective of subsequent changes in ownership.

Provided however, a lot of record, existing and recorded as a separate lot in the land records of the Town of Groton prior to February 18, 2005, even though the said lot was neither part of an approved subdivision plan nor a lot which has a valid building permit, shall be exempt from the above referenced provisions. The burden of proof to show compliance with this exemption shall be upon the lot owner.

6.0 **ARTICLE 6 – ADMINISTRATIVE PROVISIONS**

6.1 **Administration**

This ordinance shall be administered and enforced by the Zoning and Building Official and such employees of his/her department as he/she may designate. The Zoning and Building Official hereinafter called the Zoning Official, may 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 thereat in violation of any provision of these Regulations.

No application for a Building Permit shall be approved and no Certificate of Occupancy, order, or other zoning enforcement document shall be issued unless they are in full compliance with the provisions of these Regulations and until they are signed by the Zoning Official or duly appointed assistant. Any Building Permit approved or Certificate of Occupancy issued to the contrary shall be null and void, and any work undertaken or use established pursuant to such approval or issuance shall be lawful.

6.12 **Building Permit**

No building or structure shall be erected, added to, or structurally altered until a permit therefore has been issued by the Zoning Official. All applications for such permits shall be in accordance with the requirements of this ordinance.

Every application for Building Permit shall be accompanied by such information and exhibits as are required herein or may be reasonably required by the Zoning Official in order that the proposal of the applicant may be adequately interpreted and judged as to its conformity with the provisions set forth in the Zoning Ordinance. The application shall include a certification that the lot is on record by map or by deed, including the date of recording or is in a subdivision which has been approved by the Planning and Zoning Commission and a bond covering the cost of street improvements has been received.

Nothing herein contained shall require any change in the plans, construction, or use of a building for which a Building Permit has been issued or for which plans were on file with the Zoning Official before the effective date of these Regulations.

When fabrication has not begun within six months from the date of issuance of the permit or where the footing course of the foundation of the structure has not been laid within that period, the Building Permit shall be void, but the Zoning Official may grant an extension of six months. No excavation for or the erection of any building shall proceed until a Building Permit has been issued.

### 6.13 **Certificate of Occupancy**

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose, until a Certificate of Occupancy shall have been issued by the Zoning Official, stating that the premises or building complies with all the provisions of these Regulations. Such a certificate is also required for any change, extension, or alteration in a use. A Certificate of Occupancy shall be applied for in writing and, if approved, shall be issued within ten days after notification by the property owner that the premises are ready for occupancy.

- a. No change or extension of use and no alteration shall be made in a non-conforming use or premises without a Certificate of Occupancy having first been issued by the Zoning Official that such change, extension or alteration is in conformity with the provisions of this ordinance.
- b. No building or premises for which a Certificate of Occupancy is required may be occupied until such certificate shall have been issued.

Where the alteration does not require the vacating of the premises or where parts of the premises are furnished and ready for occupancy before the completion of the alteration, or, in the case of a new structure, before its completion, a conditional Certificate of Occupancy may be issued.

### 6.14 **Special Conditions**

Any maps, plans, documents, statements, and stipulations submitted to and approved by the Planning and Zoning Commission and/or Zoning Board of Appeals in connection with a Special Permit, Variance, or other action of said Commission, as required by these Regulations, and any conditions of such approval(s) attached by said Commission shall be conditions for the approval of an application for and the issuance of a Building Permit by the Zoning Official.

### 6.15 **Records**

The Zoning Official shall keep records of all applications for Building Permits and Certificates of Occupancy, of all identifiable violations of these Regulations, of all inspections made under these Regulations, and of all notices of violation served by him/her and the action taken thereon.

## 6.16 Violations and Penalties

Any building or structure constructed, reconstructed, extended, enlarged, altered, converted, moved, changed, or used contrary to any of the provisions of these Regulations, and any use of the land, building, or structure which is conducted, operated, or maintained contrary to any of the provisions of these Regulations, shall be, and the same is hereby declared to be, unlawful.

### a. Action

The Zoning Official may initiate an injunction, mandamus, abatement, summons, or any other appropriate action to prevent, enjoin, abate, or remove such construction, reconstruction, extension, enlargement, alteration, conversion, or use in violation of any of the provisions of these Regulations. Such action may also be instituted by any property owner who may be particularly damaged by any violation of these Regulations.

### b. Notice

The Zoning Official shall serve notice to the person or corporation committing or permitting the violations, and if such violation does not cease within such time as the Zoning Official may specify, he/she may institute such of the foregoing actions as may be necessary to terminate the violation. Such notice may be served by mailing to said person or posting the lot or building.

### c. Effect of Notice

On the serving of notice of any violation of any provisions or requirements of these Regulations in respect to any building or structure, the Building Permit for such use shall thereupon become null and void and a new Building Permit shall be required for any further use of such building or structure.

### d. Penalties

The owner or agent of a building or premises where a violation of any provision of said Regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor, or any other person who shall commit, take part, or assist in such violation or who shall maintain any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than \$50.00 and not more than \$200.00 for each and every day that such violation continues, but if the

offense be willful on conviction thereof, the punishment shall be a fine of not less than \$200.00 or more than \$500.00 for each and every day that such violation shall continue, or by imprisonment for ten days for each and every day such violation shall continue, or both such fine and imprisonment in the discretion of the Court; and the Tenth Circuit Court shall have jurisdiction of all such offenses subject to appeal as in other cases.

Any such person who having been served with an order to remove such violation shall fail to comply with said order within ten days after such service or shall continue to violate any provision of the Regulations made under authority of this ordinance in the respect named in such order shall also be subject to a civil penalty of \$500.00, payable to the Treasurer of the City of Groton.

## 6.2 **Zoning Board of Appeals**

### 6.21 **Powers and Duties**

The Zoning Board of Appeals, as authorized by the zoning laws of the State of Connecticut and amendments thereof shall have the following powers and duties:

a. **Adopt Rules**

Adopt from time to time such rules and procedures as may be deemed necessary to carry into effect the provisions of this ordinance.

b. **Decide Appeals**

Hear and decide appeals where it is alleged there is an error in any order, requirement, or decision made by the Zoning Official and Building Official in the enforcement of this ordinance.

c. **Extend Zone**

Where a zone boundary line divides a lot in a single ownership at the time of the passage of this ordinance, permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the zone in which such use is authorized.

d. **Grant Variances**

Determine and vary the literal application of any of the requirements of these Regulations where the strict application would result in exceptional difficulty and/or unusual hardship that would deprive the owner of the reasonable use of the land or building involved. Any variance hereafter granted which results in a non-conforming use, structure, or lot shall become null and void, if such non-conforming use, structure, or lot shall not have been erected, commenced, or occupied within twelve months after such variance was granted.

e. **Approve Location**

To approve the location of gasoline stations, motor vehicle dealerships, and motor vehicle repair garages, as defined by State statutes, subject to prior Special Permit and Site Plan approval by the Planning and Zoning Commission and to the location requirements of Section 4.12 herein.

### 6.22 **Applications**

All appeals and applications made to the Zoning Board of Appeals shall be in writing on forms prescribed by the Board, and each appeal or application shall fully set forth the

circumstances of the case. Every appeal or application shall refer to the specific provision of the Regulations involved and shall exactly set forth, as the case may be, the interpretation that is claimed, or the details of the variance that is applied for and the grounds on which it is claimed that the same should be granted.

- a. All applications for appeals and variances to the Zoning Board of Appeals shall contain, in addition to 8 plot plans submitted on standard letter or legal size sheets of paper, location of the buildings on abutting property, drawn to the same scale as the plot plan and the specific location of all proposed buildings, if applicable. This does not in any way authorize trespassing for any purpose.
  - (1) Plot plans prepared on larger sheets of paper may be submitted to and accepted by the Zoning Board of Appeals, provided that such plot plans are duly certified.
  - (2) No division of a lot, reduction in lot area, reduction in lot width, or relocation of common lot lines shall be considered by the Zoning Board of Appeals unless a certified plot plan is submitted with the application.
  - (3) No division of a lot which would reduce the area of the resulting lots below the minimum required lot area of the applicable zoning district shall be considered by the Zoning Board of Appeals unless the lot abuts a public sewer or the owner obtains a satisfactory sanitation report from the health officer and submits same with the application.
- b. All applications for approval of location for new gas stations, motor vehicle dealerships and motor vehicle repair garages shall be accompanied by an approved site plan and an authorized special permit.
- c. The Board may waive or modify any or all of the requirements set forth in Subparagraph a. above, as well as the notice requirements contained in Paragraph 6.24 below. Failure of the applicant to meet any of the requirements set forth in Sections 6.22 and 6.23 shall in no event invalidate any decision made by the Board on the merits of such application.

#### 6.23 **Fees**

All applications and appeals shall be accompanied by a fee, as determined from time to time by the Zoning Board of Appeals, to cover the cost of advertising and processing. Said fee shall be paid at the time of filing the application.

#### 6.24 **Public Hearing**

The Zoning Board of Appeals shall hold a public hearing on all applications and appeals within 65 days after receipt of the application or notice of appeals, and notice of said hearing shall be published in accordance with the provisions of the State statutes.

Before a public hearing on any application for a variance, the applicant shall present proof that notice has been deposited at least seven days in advance of the date of the scheduled hearing in a post office regularly maintained by the U. S. Government directed to each of the owners of land abutting the property with regard to which variance is requested, as their names appear upon the last completed assessment roll of the City.

6.25 **Board Action**

The Zoning Board of Appeals shall decide each case within sixty-five days after date of the public hearing. Notice of the decision of the Zoning Board of Appeals shall be published and recorded on the land records in accordance with State statutes.

6.26 **Surety**

The Zoning Board of Appeals, in authorizing any use, may require as a precondition to its approval the filing of surety satisfactory to the City Attorney and in an amount established by the Zoning Board of Appeals as sufficient to guarantee completion of those items specified by the Zoning Regulations or any amendments thereto in force at the time of filing. Such surety shall not be released by the Zoning Board of Appeals until it is satisfactory that all of the requirements of these Regulations and all stipulations established as part of the approval have been fully satisfied by the applicant.

6.27 **Revocation**

Any variance granted by the Zoning Board of Appeals, pursuant to any prescribed conditions or safeguards, shall be subject to revocation by the Zoning Board of Appeals if the said conditions or limitations are not adhered to strictly. Before the Zoning Board of Appeals may revoke its action in granting such variance, it shall hold a public hearing thereon, of which the applicant and property owner in each case shall be given notice and afforded an opportunity to be heard.

6.28 **Rehearing**

No application for a rehearing shall be presented to the Zoning Board of Appeals within a period of 12 months from the date of a decision of the Zoning Board of Appeals, which decision denied the application; unless, in the opinion of the Zoning Board of Appeals, there has been an unusual change in conditions, or an error in the decision, or new evidence warrants a rehearing. Approval of justification for a rehearing must be granted by the Zoning Board of Appeals before acceptance of such application.

6.29 **Referrals**

All applications shall be referred to the Planning and Zoning Commission at least fourteen (14) days prior to the date assigned for a public hearing on that request. The Planning and Zoning Commission, or its staff, may submit an advisory opinion on such referrals prior to the public hearing, and the finding of the Planning and Zoning Commission, or its staff, shall be read into the record of the public hearing. The failure of the Planning and Zoning Commission, or its staff, to submit a report to the Zoning Board of Appeals shall not prevent the Zoning Board of Appeals from reaching a decision on any matter before it.

### 6.3 **Planning and Zoning Commission**

The Planning and Zoning Commission, as authorized by the Zoning Law of the State of Connecticut and the Regulations of this ordinance, shall have the following powers and duties:

a. **Amend Zoning**

Amend, supplement, change, modify or repeal the regulations, restrictions, and boundaries established by this ordinance.

b. **Grant Special Permit**

Grant such Special Permits as are specifically authorized under the terms of this ordinance.

c. **Review Site Plan**

Approve, modify and approve, or disapprove a Site Plan for those uses specifically authorized under the terms of this ordinance.

6.4 **Amendment of Zoning Ordinance**

6.41 **Authority**

The administration, enforcement, and amendment of this ordinance shall at all times be accomplished in accordance with, and be subject to, Chapter 124 of the Connecticut General Statutes, 1958 Revision, as amended, and amendments, additions, or substitutions thereto which may from time to time be enacted by the General Assembly.

6.42 **Applications**

a. **Zone Boundary Changes**

All proceedings to change zone boundaries shall be instituted by application in writing to the Planning and Zoning Commission (except such as are initiated by the Commission). Such applications shall be accompanied by a plan drawn to scale, showing the area of the lots included in such proposed change and designating the record owner of said lots and of those within 500 feet in all directions of the property included in such proposed change.

b. **Regulation Changes**

All proceedings to change the provisions of these Regulations shall be instituted by application in writing to the Planning and Zoning Commission in which the specific provision to be changed and the provisions to be substituted, deleted, or added shall be precisely set forth.

6.43 **Fees**

All applications to the Planning and Zoning Commission which require a public hearing shall be accompanied by a check or money order in the amount of \$200.00 payable to the Treasurer of the City of Groton in order to defray the cost of publication of all required notices and the cost of recording the public hearing.

6.44 **Public Hearing**

The Commission shall hold a public hearing on all proposed amendments to the zoning ordinance or map, and notice of said hearing shall be published in accordance with the provisions of the State Statutes.

Before a public hearing on any application concerning an amendment to the Zoning Map of the City of Groton, the applicant shall present proof that notice has been deposited at least seven days in advance of the date of the scheduled hearing, in a Post Office regularly maintained by the U. S. Government, directed to each of the owners of land within the area and also within 200 feet from the boundaries of the area proposed to be changed. Such notice shall be given to the last known address of the property owner or

owners, as shown by the most recent tax rolls of the City of Groton. In addition, the applicant shall, at least five days prior to the public hearing, post and maintain a sign as prescribed by the Planning and Zoning Commission on the lots for which the proposed change of zone is requested. The provisions of this paragraph shall not apply in the case of an amendment proposed by the Planning and Zoning Commission on its own motion.

6.45 **Referrals**

The Planning and Zoning Commission shall give written notice to the regional planning agency and affected municipalities of proposed zoning amendments in accordance with the General Statutes of the State of Connecticut.

6.46 **Pending District Changes**

Whenever there shall be pending before the Planning and Zoning Commission any proposal for an amendment to the Zoning Map, which proposed amendment shall have been initiated upon a motion of said Commission, the Zoning and Building Official, for a period of not more than 145 days from the date of first public notice of the public hearing, shall have the authority to withhold the approval of any building permit for the construction of substantial alteration of any building upon any lot likely to be affected by the final determination of such motion, pending the public hearing and final decision by the Planning and Zoning Commission.

6.47 **Protest of Zone Change**

Where a protest is filed with the Planning and Zoning Commission at a public hearing on a proposed amendment signed by the owners of 20% or more of the area of the lots included in such proposed changes, or of the lots within 500 feet in all directions of the lots included in the proposed change, such change shall not be adopted, except by a vote of two-thirds of the full membership of said Commission.

6.48 **Other Provisions**

a. **Alternatives**

In the event a member of the Planning and Zoning Commission is unable to attend a meeting or public hearing held by the Commission, or if he is disqualified, the Chairman of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.

b. **Continuity**

Any regular member of the Planning and Zoning Commission who sits as a member of the Commission at a public hearing shall have full power and authority to remain as a member of the Commission until a decision has been made concerning the particular matter or matters for which the hearing was held.

c. **Effective Date of Amendments**

Zoning Regulations, boundaries, or zoning districts, and any amendments or changes thereto shall become effective at such time as may be fixed by the Planning and Zoning Commission, provided notice shall have been published in a newspaper having a substantial circulation in the City of Groton before such effective date.

## 6.5 **Special Permit Procedure**

### 6.51 **Application**

Each application for a Special Permit shall be submitted, in triplicate, to the Commission Secretary at least fourteen days prior to a regularly scheduled Commission meeting and shall be accompanied by three copies of the required Site Plan and support materials needed to document conformance to the requirements of the Zoning Ordinance, as well as the required application fee, as determined from time to time by the Commission.

### 6.52 **Official Submission**

The date of official submission of a Special Permit application shall be the day of the next regularly scheduled meeting of the Commission after submission of the application or thirty-five (35) days after such submission, whichever is sooner. The Commission has the discretion to exclude from consideration on the agenda of the next regularly scheduled meeting an application, even if officially submitted, if the application has not been filed at least fourteen days prior to said meeting or if the application is not in good form and accompanied by all required fees, plans, and supporting materials needed to document conformity to the requirements of the Zoning Ordinance.

### 6.53 **Public Hearing**

The Commission shall hold a public hearing on all applications for Special Permits within sixty-five days from the date of official submission, and notice of said hearing shall be published in accordance with the provisions of State Statutes.

Before a public hearing on any application for a Special Permit, the applicant shall present proof that notice has been deposited at least seven (7) days in advance of the date of the scheduled hearing in a Post Office regularly maintained by the U. S. Government, directed to each of the owners of land within 200 feet of the property with regard to which a Special Permit is requested, as their names appear upon the last completed assessment roll of the City. A sign, as prescribed by the Planning and Zoning Commission, shall be posted and maintained on the lot where the Special Permit is requested for at least five (5) days prior to the public hearing.

### 6.54 **Application of Standards**

In reviewing a Special Permit application, the Commission shall take into consideration the public safety and welfare of the public, in general, and of the residents of the immediate neighborhood, in particular. More specifically, the Commission shall determine whether or not the proposed use:

- a. Meets all other requirements of the zoning ordinance;
- b. Conforms to the general intent of the Plan of Development of the City of Groton;

- c. Insures that the location, size, and appearance of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character and appearance of the surrounding neighborhood, and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building, or structure;
- d. Provides utility systems that are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water, or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the City;
- e. Creates serious parking, traffic, or circulation problems;
- f. Seriously impairs adjacent property values.

#### **6.55 Commission Action**

The Commission shall approve or disapprove the issuance of a Special Permit within sixty-five (65) days after the date of public hearing. Failure to act within such time period shall be deemed approval. The reason for the Commission's decision shall be stated upon its records, and notice of the Commission's decision shall, within fifteen (15) days, be published and recorded on the land records in accordance with the General Statutes.

#### **6.56 Revocation**

Any Special Permit may be subject to revocation by the Commission if any conditions or safeguards imposed by the Commission upon buildings, structures, land, or uses for said permit are not strictly adhered to by the applicant and/or owner. Prior to revoking any Special Permit, the Commission shall hold a hearing on said revocation, providing the owner and/or applicant with due notice thereof and affording said owner and/or applicant of such buildings structures, lands, or uses the opportunity to be heard and to show cause why the Special Permit should not be revoked. At such hearing, the owner and/or occupant will be afforded an opportunity to prove that it has met the conditions of the permit.

#### **6.57 Amendments**

Application for amendments to Special Permits shall be filed whenever there is substantial change in the site conditions or use of the site. Application for Special Permit amendments shall be filed and treated in the same manner as the original Special Permit application.

## 6.6 **Site Plan Review**

### 6.61 **Site Plan Procedure**

- a. Uses requiring Site Plan approval shall be accompanied by a Site Plan in conformance with Section 6.62 of this regulation and shall be one of the following standard sizes: 12" x 18", 18" x 24", or 24" x 36". The number of plans submitted shall be determined by the Zoning Official or Planner depending on the number of staff required to review the plan.
- b. The Zoning and Building Official shall certify on each Site Plan or amendment whether or not the proposed building or facility meets the requirements of all provisions of this ordinance, other than those regarding Site Plan Approval. The Zoning and Building Official shall retain one copy and transmit two copies of the certified Site Plan to the Planning and Zoning Commission.
- c. The Planning and Zoning Commission shall approve, modify and approve, or disapprove said Site Plan. Commission disapproval shall include written findings upon any Site Plan element found contrary to the provisions or intent of this ordinance.
- d. The developer shall furnish a performance bond in the amount equal to 100% of the cost to guarantee conformance with all proposed site improvements (excluding buildings) shown on the approved Site Plan to the satisfaction of the Zoning Official. The bond is to become effective prior to issuance of a building permit or prior to the commencement of site work, whichever comes first, and is to stay in effect until the Site Plan is 100% complete. When site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Occupancy may be issued for a period not to exceed 180 days, provided that an appropriate bond shall be posted with the City of Groton in the amount sufficient to complete the site work in accordance with the approved Site Plan, as determined by the Zoning and Building Official and the City Planner. At the option of the developer, the site may be divided into sections with a separate bond for each section. Such sections shall be shown on the Site Plan. The type of performance bond to be posted shall be a certified check, savings account, or letter of credit and shall be approved in form by the City Attorney. Requirements to post the above bond may be waived by the Planning and Zoning Commission at its discretion.
- e. No Certificate of Occupancy may be issued until the engineer who designed the Site Plan verifies in writing that the site work has been completed substantially in accord with the approved Site Plan. When the site work cannot be completed because of weather or other pertinent reason, a conditional Certificate of Occupancy may be issued for a period not to exceed 180 days, provided an appropriate bond shall be posted with the City of Groton in an amount sufficient

to complete the site work in accord with the approved Site Plan and as determined by the Zoning and Building Official.

- f. The Site Plan requirement is waived for sites in the industrial zones when the use is permitted and will not result in a structure over 10,000 square feet nor over 25 feet in height, and the site to be built upon is not contiguous to, nor lies immediately across the street from, a residential zone.

#### 6.62 **Site Plan Requirements**

When approval of a Site Plan is required under these Regulations, application for approval shall contain:

- a. A written statement of the proposed use of the building structure or use for which the application is made.
- b. A certificate by a registered engineer, qualified scientist, or other recognized authority as to his/her best estimate as to the impact of the proposed use from the standpoint of the standards set forth in Section 4.56 of these Regulations, and what, if any, environmental protection measures will be taken.
- c. Building plans, floor plans, and elevations for all proposed buildings and structures on the site or for alterations of existing buildings and structures on the site, where appropriate.
- d. A location sketch showing the approximate locations and use of structures in any residential zone contiguous to or lying immediately across the street from the site of the proposed use and within 100 feet thereof and the approximate distance of any street intersections within 500 feet of the site of the proposed use.
- e. All applications shall include an accurate Class A-2 survey of the property prepared by a land surveyor registered in the State of Connecticut. All plans shall be prepared, signed, and sealed by a Connecticut registered engineer, architect, or landscape architect, whichever is appropriate. Site Plans shall be prepared at a scale of not more than 40 feet to 1 inch and delineating the following, where appropriate:
  - (1.) Name and address of the applicant, owner of record and all adjoining property owners, as listed on the City's tax rolls.
  - (2.) Date, north arrow, and numerical and graphical scale.
  - (3.) The words "Approved by City of Groton Planning and Zoning Commission" with designated places for the title and signature of the Commission Chairperson and the date.

- (4.) Location, width, and purpose of all existing and proposed easements, building setback lines, yard requirements, and dedicated areas on and within 100 feet of the site within the zone.
- (5.) A complete outline of all existing and proposed deed restrictions or covenants applying to the site.
- (6.) Location of all existing wooded areas, watercourses, wetlands, rock outcrops, and other significant physical features on and within 100 feet of the site within the zone. Existing trees with a diameter of 12 inches or more, as measured at the base located on the site.
- (7.) Existing contours with intervals of 5 feet or less referred to USGS MLW Datum. The Commission may, when deemed necessary, permit the applicant to alter the contour intervals.
- (8.) Location, design, and height of all existing and proposed structures, including buildings, signs, fences, and walls on the site. This includes areas for rubbish containers and recyclable containers to be surrounded with complete visual screening from abutting streets and residential zones, as determined by the Commission.
- (9.) Location and design of all existing and proposed uses on the site not requiring a structure.
- (10.) Location and design of all existing and proposed parking and loading areas with the number of stalls thereof, paved areas, streets, curbs, sidewalks, and driveways on the site.
- (11.) Location and design of all existing and proposed sanitary sewer, storm drainage, and water supply facilities, as well as other underground and above-ground utilities on the site.
- (12.) Location and design of all existing and proposed external lights, lighting facilities, and lighted areas on the site.
- (13.) A landscaping and open space plan indicating:
  - (a) the location, design, arrangements, and use of open space areas on the site, including a description of facilities and equipment;
  - (b) the location, design, type, and size of plant material, fencing, screening devices, or other materials proposed;
  - (c) grading plans, as appropriate.

- (14.) The Planning and Zoning Commission may require approval of the Site Plan by any City of Groton agency, department, and/or official, other than the Planning and Zoning Commission or the Zoning and Building Official of said City; however, the approval of such agency, department, and/or official shall be obtained by the applicant.
  - (15.) Where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development shall be submitted.
  - (16.) The Site Plan shall denote the estimated types and quantities of fill to be removed from the site and the final disposition of the same and the estimated types and quantities of fill of all kinds to be transported onto the site.
  - (17.) As part of the Site Plan requirement in all zones, sidewalks shall be provided along all street frontages where such sidewalks are absent. Such walks shall be 5 feet wide and built to City of Groton Highway Department specifications. The Commission shall require such walks to be extended a reasonable distance beyond the site frontage in order to connect to existing walks. Such extensions shall not exceed a total of 100 feet.
- f. The requirements for a formal Site Plan approval may be waived by the Planning and Zoning Commission when the following requirements are met:
- (1.) The structure or use is existing and will not be enlarged.
  - (2.) Off-street parking requirements for the new use are not more than those required for the existing use.
  - (3.) A plot plan drawn to scale is submitted in triplicate to the Planning and Zoning Commission showing existing and proposed conditions, such as new signs, revised parking arrangements and entrances, new lighting and similar alterations.
- g. “The Site Plan shall, when required by the Soil Erosion and Sediment Control Regulations of the City of Groton, include a soil erosion and sediment control plan meeting the requirements of the said Regulations.”
- h. Site Plans will not be considered complete unless they contain all applicable information as outlined in Sections 4.6 and 6.62.

### 6.63 **Site Plan Objectives**

In reviewing the Site Plan, the Commission shall take into consideration the health, safety, and welfare of the public, in general, and of the residents of the immediate

neighborhood, in particular, and may prescribe reasonable conditions and safeguards to insure the accomplishment of the following general objectives:

a. Development Plan

That the proposed Site Plan shall be in general conformance with the intent of the Plan of Development of the City of Groton.

b. Public Safety

That all buildings, structures, uses, equipment, or material are readily accessible for fire and police protection.

c. Traffic Access

That all proposed traffic access ways are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate in distance from street corners, places of public assembly, and other access ways; and adequate in design for other similar considerations.

d. Circulation and Parking

That adequate off-street parking and loading spaces are provided to prevent on-street traffic congestion; that all parking spaces, maneuvering areas, entrances, and exits are suitably identified; that the interior circulation system is adequately designed to provide safe and convenient access to all structures, uses, and/or parking spaces; and that parking areas are provided with suitable bumper guards, guard rails, islands, cross-walks, speed bumps, and similar safety devices when deemed necessary by the Commission to adequately protect life and property.

e. Landscaping and Screening

That the general landscaping of the site is in character with that generally prevailing in the neighborhood; that existing trees are preserved to the maximum extent possible; and that parking and service areas are suitably screened during all seasons of the year from the view of adjacent residential lots and streets.

f. Illumination

That glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent residential lots and streets.

g. Public Health

That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air,

water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the City.

h. Character and Appearance

That the location, size, and appearance of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therewith, will be in general harmony with the character and appearance of the surrounding neighborhood and will not be hazardous or otherwise detrimental to the appropriate and orderly development or use of any adjacent land, building or structure.

6.64 **Final Site Plan Approval**

One mylar of the approved Site Plan shall be provided for the Planning and Zoning Commission within forty-five (45) days of the approval of the Site Plan.

## 7.0 ARTICLE 7 – DEFINITIONS

### 7.1 Other Terms

Except as otherwise stated or as the context may otherwise require, the following words, for the purpose of these Regulations, shall be defined as follows:

Amusement Center – A business establishment containing more amusement devices than permitted as an accessory use.

Amusement Device – A machine that is controlled and operated by the insertion of a coin or token and intended for the amusement or recreation of a patron, including, but not limited to, baseball and football games, pinball games, electronic video games, and other similar games. Amusement devices shall only be considered as an accessory use for up to three devices per establishment.

Animal Hospital or Kennel – Any lot on which four or more dogs or cats, six months or older, are available for sale, boarded for compensation, or kept for medical treatment.

Antenna – A device used to receive or transmit telecommunications or radio signals. Such signals shall include, but not be limited to, radio, television, cellular telephone, paging, personal communication services (PCS), and microwave communications. Examples include panels, microwave dishes, and single poles known as whip antennae. (New Eff: 4/16/01)

Apartment – A room or suite of two or more rooms occupied as the home or residence of an individual, family, or household.

Apparent High Watermark – The average height of the tide measured and recorded during any given day or cycle period.

Area of Special Flood Hazard – The land in the flood plain within a community subject to 1% or greater chance of flooding in any given year.

**Banners- Attention generating devices of various shapes, sizes and colors that are typically made of, but not limited to, flexible materials such as fabric, cloth, nylon, canvas, that do not typically include a rigid frame and are intended to hang overhead from a pole, bracket, or similar device attached to a fixed object such as a light pole or building. (updated: July 23, 2013)**

Base Flood – The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM). (effective: July 18, 2011)

Base Flood Elevation (BFE) – The water-surface elevation of the base flood in relation to a standard set of geographic data in Special Flood Hazard Areas (Effective: 9/1/03).

Basement – A story in a building located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average level of finished grade adjoining the exterior walls of the building. For floodplain management purposes, a basement is any area of the building having its floor sub grade (below ground level) on all sides (Effective: 9/1/03).

Bed and Breakfast Establishment – An owner-occupied building and property (i.e., the principal residence of the owner) having six or fewer guest rooms without separate kitchen facilities, in which overnight accommodations and breakfast only are provided to guests for a fee. (New Effective: 6/1/98)

Boarding House – A dwelling providing unsupervised and uncounseled living situations in which meals, or rooms and meals, are provided for compensation to more than one, but fewer than sixteen persons other than members of the family of the proprietor. (Effective: 3/3/97)

Boarding, Rooming, or Lodging Unit – A building or portion thereof providing a single housekeeping unit in an unsupervised and uncounseled setting, with living and sleeping facilities, including bathroom facilities, but excluding cooking and eating facilities. (Effective: 3/3/97)

Boat, Passenger Ferry – A ferry boat intended to carry passengers only and not vehicles on trips which have separate origin and destination points, one or both of which are within the City of Groton.

Board, Passenger, and Vehicle Ferry – A ferry boat which carries passengers and vehicles on trips which have separate origin and destination points, one or both of which are within the City of Groton.

Boat, Tour/Sportfishing – Boats which carry passengers on recreational trips, when the trip has an origin point within the City of Groton.

Breakaway Wall – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. (effective: July 18, 2011)

Buffer or Buffer Strip – A strip of landscaped land along a property line which, with the exception of required utility installations, shall be free of any building or use.

Building – A structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the building, which is permanently affixed to a lot or lots for the housing or enclosure of persons, animals, or chattels and shall include each of the independent units into which it is divided by party walls. The connection of two buildings by means of an open porch,

breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building, except in the case of a private garage so attached to a dwelling. Except as otherwise indicated, “buildings” as used in these regulations shall be deemed to include “structures.” “This term shall not include mobile homes or trailers.”

Building Accessory – A building which is clearly incidental or subordinate to, and customarily in connection with, and located on the same lot with the principal building or use.

Building Area – The aggregate of the maximum horizontal cross-section area enclosed by the walls of all buildings on a lot, together with the area enclosed by the columns of all covered porches and similar roofed structures.

Building Facing Wall – The exterior wall surface of a building which is visible from and generally parallel to a street line.

Building Group – Two or more principal buildings located on a single lot.

Building Height – The vertical distance measured in the case of flat roofs, from the curb level to the highest point of the roof beams adjacent to the street wall, and in the case of pitched roofs, from the curb level to the average height of the gable. In the case of both flat roofs and pitched roofs, the measurements shall be made through the center of the street façade. Where no roof beams exist or there are structures wholly or partly above the roof, the height shall be measured from the curb level to the highest point of the building. Where the walls of a building do not adjoin the street, the average level of the ground along the front wall of the building may be taken in measuring the height, instead of the curb level.

Building, Principal – A building in which is conducted the main or principal use of the lot on which said building is located.

Building Setback Line – The line within a lot defining the minimum required horizontal distance between the principal building or use to be erected and an adjacent street or lot line.

Cellar – A portion of a building located partly or wholly underground and having half or more of its clear floor-to-ceiling height below the average level of finished grade adjoining the exterior walls of the building.

Child Day care Center – A program of supplementary care to more than twelve related or unrelated children outside their own homes on a regular basis for a part of the twenty-four hours in one or more days in the week, including nursery school and pre-school programs.

Clubs, Lodges, and Associations – A group of persons which is owner, lessee, or occupant of an establishment operated solely for a recreational, social, fraternal,

religious, political, or athletic purpose, whose activities are confined to the members and guests, are not extended to the general public, and include the establishment so operated; but does not include such clubs the chief activity of which is a service customarily carried on primarily for business or gain.

Coastal High Hazard Area – The area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on the FIRM as Zone VE. (effective: July 18, 2011)

Coastal Resources – Means the coastal waters of the State, their natural resources, related marina and wildlife habitat, and adjacent shorelands, both developed and underdeveloped, that together form an integrated terrestrial and estuarine ecosystem; coastal resources include the following:

- a. “Coastal bluffs and escarpments” means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage, and degree of plant cover;
- b. “Rocky shorefronts” means shorefronts composed of bedrock, boulders, and cobbles that are highly erosion-resistant and are an insignificant source of sediment for other coastal landforms;
- c. “Beaches and dunes” means beach systems, including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches, and related dunes and sandflats;
- d. “Intertidal flats” means very gently sloping or flat areas located between high and low tides composed of muddy, silty, and fine sandy sediments and generally devoid of vegetation;
- e. “Tidal wetlands” means “wetlands” as defined by Section 22a-29;
- f. “Fresh-water wetlands and watercourses” means “wetlands” and “watercourses” as defined by Section 22a-38;
- g. “Estuarine embayments” means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water, including tidal rivers, bays, lagoons, and coves;
- h. “Coastal hazard areas” means those land areas inundated during coastal storm events or subject to erosion inducted by such events, including flood hazard areas defined and determined by the National Flood Insurance Act, as amended (U.S.C. 42, Section 4101, P.O. 93-234) and all erosion hazard areas, as determined by the Commissioner;

- i. “Developed shorefront” means those harbor areas which have been highly engineered and developed resulting in the function impairment or substantial alteration of their natural physiographic features or systems;
- j. “Island” means land surrounded on all sides by water;
- k. “Near-shore waters” means an area comprised of those waters and their substrates lying between mean high water and depth approximated by the 10-meter contour;
- l. “Offshore waters” means an area comprised of those waters and their substrates lying seaward of a depth approximated by the 10-meter contour;
- m. “Shorelands” means those land areas within the coastal boundary, exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills, and drumlins;
- n. “Shellfish concentration areas” means actual, potential, or historic areas in coastal waters, in which one or more species of shellfish aggregate.

Commission – The Planning and Zoning Commission of the City of Groton.

Community Residential Counseling Facility - A residential building or group of buildings in which counselors and staff members provide counseling, rehabilitation, evaluation, and/or other supportive services to a maximum of sixteen resident persons in lodging units, excluding dependents, seeking to arrest, reverse, or ameliorate a problem or disorder, including the compulsive use of alcohol or drugs, pursuant to an organized and structured program. Included in this definition are facilities for women and/or children who have suffered physical abuse in a domestic relationship, as well as those facilities not exempted under C.G.S. Section 8-3e. This definition shall not include correctional institutions, halfway houses, group homes, or other community correction programs under the jurisdiction of the State of Connecticut Department of Correction pursuant to C.G.S. Section 18-100, as may be amended, or court-ordered treatment programs under C.G.S. Sections 19a-127e through 19a-127h, as may be amended. (New Effective: 3/3/97)

Condominium – A form of ownership in which more than one owner has control over a certain property jointly with one or more persons.

Convalescent Home, Nursing Home, or Rest Home – An institution licensed by the State Department of Health having facilities and all necessary personnel to provide services of a personal nature, nursing care under medical supervision, and direction to carry out non-surgical treatment, and dietary procedures for chronic diseases or convalescent stages of acute disease or injuries.

Cooperative – A form of ownership in which more than one stockholder of a corporation has control over a certain property jointly with one or more other stockholders.

Cost - 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 estimate by a licensed contractor. 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. (effective: July 18, 2011)

Development – 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. (effective: July 18, 2011).

Drinking Establishment – An establishment where the primary activity is the sale of alcoholic beverages at retail for consumption on the premises under a permit from the Liquor Control Commission for a café or tavern.

Drive-In Establishment – A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle or else intended to permit consumption in the motor vehicle of food or beverage obtained by a patron from said business establishment, (e.g., restaurants, service stations, cleaners, banks, theaters, etc.).

Dwelling – A building, or portion thereof, used exclusively for residential occupancy, including one-family, two-family, and multi-family dwellings. As used in these Regulations, a Quonset hut, Nielson hut, and similar portable buildings are not permitted for dwelling purposes.

Dwelling, One-Family Detached – A dwelling accommodating one dwelling unit and having no party walls or walls in common with an adjacent house or houses.

Dwelling, One-Family Semi-Detached – A one-family dwelling having one party wall in common with an adjacent house, the two houses together accommodating but two dwelling units, one on either side of the party wall.

Dwelling, Two-Family Detached – A dwelling accommodating two dwelling units and having no party wall or walls in common with an adjacent house or houses.

Dwelling, Multiple – A dwelling arranged or designed to be occupied as a house or residence of three families or more occupying and using apartments or suites, and having a common right in the halls, stairways, or yards.

Dwelling, Multiple-Family – A dwelling in which three or more families dwell independently, each occupying one or more bedrooms and kitchen.

Dwelling Unit – A dwelling, or portion thereof, providing a single housekeeping unit with complete living, sleeping, cooking, and eating facilities, including bathroom facilities.

Eating Establishment/Restaurant – An establishment in a permanent building, kept, used, maintained, and advertised as a place where meals are regularly served to the general public.

Elevated Building – A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing Manufactured Home Park or Subdivision - 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 April 21, 1980, the effective date of the floodplain management regulations adopted by the community. (effective: July 18, 2011)

Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). (effective: July 18, 2011)

Family – Any number of individuals occupying a dwelling unit and living and cooking together as a single non-profit housekeeping unit, with all rooms used in common. More than two persons, exclusive of issue and domestic servants, not related by blood, marriage, or adoption, shall not be considered to constitute one family.

Family Day Care Home – A private family home caring for not more than six children, including the provider's own children not in school full time, the children are cared for not fewer than three nor more than twelve hours during a twenty-four hour period and where care is given on a regularly recurring basis. During the regular school year, a maximum of three additional children who are in school full time, including the

provider's own children, shall be permitted, except that if the provider has more than three children who are in school full time, all of the provider's children shall be permitted. This definition shall not be deemed to represent an intensification of use of a property.

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP). (effective: July 18,2011)

Finished Living Space - 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. (effective: July 18, 2011)

Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source. (effective: July 18, 2011)

Flood Insurance Rate Map (FIRM) – An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community (Effective: 9/1/03).

Flood Insurance Study (FIS) – The official report by the Federal Emergency Management Agency (FEMA), which contains flood profiles, the water surface elevation of the base flood, and other flood data (Effective: 9/1/03).

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

Flood, 100 Year – A 100-year flood is a flood of such magnitude as can reasonably be expected to be equaled or exceeded on an average of once every 100 years; the term also means the level of flooding having a 1% probability of occurrence in any year.

Flood Frequency – The average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

Flood Hazard Area – The maximum area of the flood plain which is likely to be flooded by a 100-year flood, or any area for which mudslides can reasonably be anticipated.

Flood Plain Area – The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal, or any body of standing or tidal water, which has been or may be covered by flood water.

Floodway – 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 1 foot.

Floor Area – The floor area of a building is the sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but need not include a cellar or portion of a basement used for incidental storage or housing of mechanical or central heating equipment.

Functionally-Dependent Facility – A facility which cannot be used for its intended purpose unless it is located in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities. (effective: July 18, 2011)

Garage, Commercial – Any lot, building, or part thereof, used for the storage, service, or repair of motors, engines, or vehicles for remuneration, including any rental, lease, or sale of any vehicle.

Garage, Private – An accessory building, or portion of a principal building, used for the storage of vehicles as an accessory use.

Garage, Vehicle Repair, and/or Service – A commercial garage or gasoline station used for repairing, overhauling, removing, adjusting, replacing, assembling, or disassembling any parts of any motor, engine, or vehicle.

Gasoline Station – Any lot, building, or part thereof, used for the sale of gasoline or other petroleum, and which may include facilities for lubrication, washing, or otherwise servicing vehicles, but not including any painting.

Group Day care Home – A program of supplementary care to not fewer than seven or more than 12 related or unrelated children on a regular basis for a part of the twenty-four hours in one or more days in the week, including nursery school and pre-school programs.

Habitable Room – A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding kitchenettes or dining bays less than 60 square feet in area, bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, storage spaces, and basements.

Halfway House – A building or group of buildings containing a residential or non-residential program, as the case may be, in which counselors and staff members provide supervision, counseling, rehabilitation, evaluation, and/or other support services to a maximum of sixteen resident persons under the jurisdiction of the State of Connecticut Department of Correction, the State of Connecticut Judicial Department, or the State of Connecticut Department of Health and Addiction Services, pursuant to the Connecticut General Statutes. (New Effective: 3/3/97)

Historic Structure - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs (effective: July 18, 2011)

Home Occupation – Any use customarily conducted entirely within the dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of such dwelling unit for dwelling purposes and does not change the residential character thereof, such as dressmaking and millinery, and including consultation by such professions as physicians, dentists, lawyers, clergymen, architects, musicians, engineers, teachers, insurance agents, or real estate brokers, provided no classroom, studio, or outdoor teaching activity not normally permitted in the district shall be conducted in connection with such home occupation, and excluding such uses as barber, beautician, tea room, and animal hospital.

Hospital – A building licensed by the State Department of Health having facilities, medical staff, and all necessary personnel to provide diagnosis, care, and treatment of a wide range of acute conditions or chronic disease, including injuries.

Hotel – A building providing lodging for persons with or without meals and intended for public accommodation, and so designed that normal access and egress are controlled from a central point, and further, that no provisions are made for cooking in any lodging room.

Junkyard or Motor Junk Business – The term “junk yard” shall be construed to include any “junkyard,” “motor vehicle junk business,” and “motor vehicle junk yard,” as defined in State Statutes, any place of business or of outside storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of vehicles or old iron, metal, glass, paper, cordage, or other waste material or discarded second-hand material which has been a part, or intended to be a part, of any vehicle, the sum of which parts or material shall be equal in bulk to two or more vehicles. Said term shall also include any place of business or of outside storage or deposit of vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are part of a vehicle or cut up of the parts thereof.

Landscaped, Landscaping – The term landscaped or landscaping shall mean an area appropriately graded and with the exception of ledge and natural rock outcropping shall be at least covered with grass, ground cover, evergreen plantings, and any additional plantings required by the Regulations or the Commission. (See Buffer or Buffer Strip)

Lot – Except as hereinafter specifically provided, the word “lot” as used in these Regulations shall mean a plot or parcel of land under the same ownership, occupied or capable of being occupied by only one principal building and the accessory buildings or uses customarily incidental to it, including such areas and yards as are required by these Regulations. As applied to the RM Multi-Family Residence Zone, the word “lot” as used in these Regulations shall mean a plot or parcel of land under the same ownership occupied or capable of being occupied by a group of principal buildings and accessory buildings or uses customarily incidental to them as permitted by these Regulations, including such areas and yards as are required by these Regulations. With respect to land used or to be used for public, institutional or industrial purposes, the word “lot” as used in

these Regulations shall mean a plot or parcel of land under the same ownership occupied or capable of being occupied by a group of principal buildings and accessory buildings or uses customarily incident to them solely devoted to one of the aforesaid purposes, and when so devoted, front, rear, and side yard requirements shall only apply to the perimeter of the combined group of buildings.

Lot Area – The gross horizontal area contained within the property lines of the lot.

Lot, Corner – A lot abutting upon two or more streets at their intersection.

Lot Coverage – The portion or percentage of a lot occupied or intended to be occupied by all buildings and structures on such lot.

Lot Depth – The mean distance from the street line of the lot measured in the general direction of the sidelines of the lot.

Lot, Interior – A lot other than a corner lot.

Lot Line – Any property line bounding a lot.

Lot Line, Rear – The lot line generally opposite to the street line; if the rear lot line is less than 10 feet in length, or if the lot comes to a point in the rear, the rear lot line shall be deemed to be a line parallel to the street line, not less than 10 feet in length, lying farthest from the street line.

Lot, Rear – A lot in which the buildable area is located generally to the rear of other lots having frontage on the same street and which is required to have a minimum of twice the lot area requirement of the underlying zone.

Lot Through – A lot other than a corner lot which has frontage on two or more streets.

Lot Width – The horizontal distance between side lot lines measured parallel to the street line and along the building setback line for the front yard.

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

Manufactured Home – Means a structure, transportable in one 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 recreation vehicles, park trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property (Effective: 9/1/03).

Manufactured Home Park or Subdivision – A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale. (effective: July 18, 2011)

Market Value – As related to substantial improvement and substantial damage, the 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. (effective: July 18, 2011)

Mean Sea Level – For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (effective: July 18, 2011)

Micro-brewery-distillery-winery – A facility engaged in the production of wine, beer and/or distilled alcoholic beverages, either for consumption on the premises, or for retail/wholesale sales for off premises consumption, or a combination thereof. Such facility may not exceed 3,000 s.f. of gross floor area. (New effective 9/30/2015)

- a. Such facility may include a tasting/retail area in total not to exceed twenty-five (25) percent of the gross floor area.
- b. Such facility, as a primary use only, shall not be subject to Section 3.21(a)(1) or 3.22(d) of the Regulations with respect to separation distance.
- c. Such facility may be an Accessory Use to a restaurant or drinking establishment, subject to Section 3.21(a)(1) or 3.22(d) of the Regulations with respect to separation distance, provided that:
  - 1) The area devoted to production shall not exceed twenty-five (25%) percent of the gross floor area.
  - 2) Parking shall be established in accordance with Section 4.35 for both the primary restaurant use and Accessory Use.
  - 3) The combined gross floor area of the primary restaurant and Accessory Use area shall not exceed 3,000 s.f.
- d. Production shall be limited to not more than 10,000 barrels annually in the case of beer, and/or not more than 10,000 gallons annually of wine or spirits, or a combination thereof. The facility shall maintain production records which shall be subject to inspection by the Zoning Official for compliance with the foregoing provisions.
- e. Prior to a zoning compliance permit being issued, the Applicant shall demonstrate compliance with State and Federal laws and regulations, and shall have obtained all permits required thereunder.
- f. The Commission may establish permissible hour of operation.

Mobile Home – A transportable, single-family home, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing. Any mobile home which remains on any lot within the limits of this City for more than forty-eight hours within any six-month period shall be construed to be a dwelling, and as such, shall be subject to the Zoning Regulations of the City of Groton.

Motel – A building or group of buildings providing lodging for persons, having a private outside entrance for each room or suite of rooms, and for each of which rooms or suite of rooms off-street parking spaces are provided on the premises, and further, that no provision is made for cooking in any lodging rooms.

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

New Construction – Structures for which the “start of construction” commenced on or after April 21, 1980, the effective date of this ordinance and includes and includes any subsequent improvements to such structures. (effective: July 18, 2011)

New Manufactured Home Park or Subdivision - 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 April 21, 1980, the effective date of the floodplain management regulation adopted by the community. (effective: July 18, 2011)

Nightclub/Disco/Lounge/Dance Hall – A space in a building providing facilities for dancing and/or entertainment, and which may or may not be operated in conjunction with an eating establishment/restaurant or a drinking establishment.

Non-Conforming Lot – A lot legally existing on the effective date of these Regulations or any amendment thereto which does not conform to these Zoning Regulations for any prescribed lot requirements, such as lot area, width, or depth.

Non-Conforming Structure – A structure or building legally existing on the effective date of these Regulations or any amendment thereto which does not conform to these Zoning Regulations for any prescribed structure or building requirement, such as front, side, or rear yard; building height, building area, or lot coverage; lot area per dwelling unit; dwelling units per building; parking and loading spaces; etc.

Non-Conforming Use – A use, whether of a building, structure, or lot, or both, legally existing on the effective date of these Regulations or any amendments thereto which does not conform to the use regulations of the zoning district in which it is located.

Parking Lot – An area other than a street used for the parking of registered vehicles.

Premises – A lot, plot, or parcel of land, including the buildings or structures thereon.

Recreational Vehicle – A vehicle which is: a) built on a single chassis; b) measures 400 square feet or less at the largest horizontal projections; c) designed to be self-propelled or permanently towable; and, d) designed primarily not for use a permanent dwelling, but a temporary living quarters for recreational, camping, travel, or seasonal use (Effective: 9/1/03).

Rooming House – A building providing unsupervised and uncounseled living situations in which rooms are rented for compensation to more than one (1), but fewer than sixteen (16), persons other than members of the family of the proprietor. The serving of meals or provision for cooking is prohibited. (Effective: 3/3/97)

Sand Dunes – Naturally occurring accumulations of sand in ridges or mounds landward of the beach. (added, effective: July 18, 2011)

Screened, Complete Visual – A type of screening which affords a year-round effect and through which the screened object is totally obscured. Complete visual screening should consist of fences, walls, screen planting, or combinations, such as:

Compact evergreen planting designed to provide 80% or more continuous opacity beginning at least twelve months after installation, when viewed horizontally from between 2 and 10 feet above average ground level. Such plants should be maintained.

Setback – The minimum horizontal distance from any street or lot line to any building, structure, or use, measured in a straight line from and perpendicular to such street or lot line.

Sign – An illustration or display of any kind, attached or erected in any manner and displayed out-of-doors in view of the general public for recognized advertising purposes. The term sign shall include a directly illuminated sign erected inside the window display area of a building, as well as outside flags or banners, but shall not include a non-illuminated, on-premises sign erected inside the window display area of a building.

Sign, Animated – Any sign or source of light, or part thereof, which flashes, rotates, moves, or in any way simulates motion, exclusive of time and temperature signs.

Sign, Area – The number of square feet contained within a single contiguous perimeter enclosing the extreme limits of the actual sign surface. Structural members and supports required by the Building Code and not bearing advertising matter and not forming an integral part of the display shall be excluded from the sign area. The allowable area of a double face sign shall be computed on the one side only.

Sign, Commercial Advertising or Off-Premises – Any sign owned or operated by any person, firm, or corporation engaged in the business of outdoor advertising for compensation for the use of such signs, or any sign advertising a commodity or activity not sold, produced, or conducted on the premises.

Sign, Directional – A sign intended to direct the way to a place or activity or to point toward a place or activity.

Sign, Double-Face – A sign containing the same advertisement on both sides of the supporting structure.

Sign, Flashing – Any sign, the illumination of which is not kept constant in intensity at all times, and/or which exhibits sudden or marked changes in such light intensity or color effect, exclusive of time and temperature signs.

Sign, Ground or Free-Standing – A sign supported by one or more uprights or braces in or above the ground.

Sign, Height of – See Building Height.

Sign, Illuminated – A sign which is illuminated by either internal or external lighting devices or sources.

Sign, Indirectly Illuminated – A sign which is illuminated by external lighting devices or sources only.

Sign, Identification, On-Premises, or Point-of-Sale – Any sign advertising a commodity sold or produced on or a business conducted on the premises where the sign is located.

Sign, Number Of – For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to for a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Sign, Projecting – A sign which is affixed to an exterior wall of any building and extending more than 15 inches beyond the building walls or parts thereof.

Sign, Wall – A sign which is affixed to the exterior walls of any building and projecting not more than 15 inches from the building wall or parts thereof. Wall signs shall also include illuminated signs erected inside window display areas of a building.

**Specialized Classrooms** - Classroom or instructional space intended to provide instruction in specific subjects, including, but not limited to, engineering, drafting, accounting, or trades for adults not involving any offensive odor, noise, vibration, smoke, particulate matter, dust or other objectionable effects, and other studio-style classrooms for the purpose of providing instruction in dance, art, theater, yoga, martial arts, music, etc. No meal service, overnight activities, or outdoor activities shall occur on-site. Office and storage space that supports the primary instructional use is allowed. (New Effective 12/9/2013)

Start of Construction – Includes substantial improvement, and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the building permit date (should the permittee fail to begin work within this time frame, a new permit shall be required). 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 (Effective: 9/1/03).

Story – That part of a building between any floor and the floor above, or in its absence, the ceiling or roof above. A story in which persons live, sleep, work, or congregate, the ceiling of which is more than 3 feet above the curb level taken at the center of the street façade shall be counted as that fraction of a story which its height above such curb level bears to the height of the story. A story which extends less than 3 feet above such curb level shall not be counted in determining the number of stories. Any story under the pitched roof at the top of a building, the floor of which is not more than 2 feet below the plate, shall be counted as a half-story when not more than 60% of said floor area is used for rooms, baths, or toilets; otherwise, it shall be counted as that fraction of a story which its floor area in rooms, baths, or toilets bears to the entire floor area.

Street – Any right-of-way used for streets, roads, highways, avenues, boulevards, lanes, or other vehicular access ways.

Street, Private – Any street other than a public street.

Street, Public – Any street officially accepted by the City of Groton, as approved by the Planning and Zoning Commission under the Subdivision Regulations of the City of Groton.

Street Line – The dividing property line between the street and the lot.

Structure – Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground. Except as otherwise indicated, “structures” as used in these Regulations shall be deemed to include buildings, swimming pools, open entries, pier signs, and fences or walls. For floodplain management purposes, 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. (effective: July 18, 2011)

Structural Alteration – Any change in or addition to the structural or supporting members of a building, such as bearing walls, columns, beams, or girders.

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **“Substantial Damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.** (updated: July 23, 2013)

Substantial Improvement – 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 50% of the market value of the structure **before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.** The market value of the structure should be (1) the appraised value of the structure prior to the start of the **“start of construction” of the** initial repair or improvement; or (2) 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 to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.** (updated: July 23,2013)

Swimming Pool – Any “swimming pool” as defined and regulated in “The Public Health Code of the State of Connecticut,” as amended.

Taxi Services Facility – A commercial site where licensed taxis are parked and maintained and from which are dispatched only from site.

Telecommunication Facility - Towers and/or antennae and accessory structures and equipment used in receiving or transmitting telecommunications or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer which connects the mobile unit with land based telephone lines.  
(New Effective: 4/16/01)

Telecommunication Tower -The structure designed to support equipment and antennae used to transmit and/or receive telecommunications or radio signals. Examples of such structures include, without limitation, freestanding towers, guy towers, monopoles, and lattice towers, (New Effective: 4/16/01)

Terrace – A structure not more than 18 inches in height above average grade on any side and located on the ground with no structural supports other than a subsurface base material.

Use – The specific purpose for which a lot or building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained. The terms permitted use, special use, or its equivalent shall not be deemed to include any non-conforming use.

Use, Accessory – A use of land, building, or structure which is clearly incidental to, and customarily in connection with and located on the same lot with the principal building or use.

Usable Open Space – That portion of the ground space on the same lot and contiguous to the principal building which is either landscaped or developed and maintained for recreation or conservation purposes. Usable Open Space shall not include those portions of a lot that are utilized for off-street parking or loading, driveway or building purposes. Usable open space shall not include those portions of a lot deemed usable for recreation or conservation purposes by the Planning and Zoning Commission because of severe or dangerous topographic or soil conditions.

Variance – 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. (effective: July 18, 2011)

Vehicle – Any motor vehicle as defined by the General Statutes of the State of Connecticut, as amended.

Vehicle Dealership – A commercial garage or lot primarily used for merchandising vehicles.

Violation - A failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. 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. (effective: July 18, 2011)

Water-Dependent Uses – Those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including, but not limited to, marinas, recreational and commercial fishing and boating facilities, waterfront dock and port facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon waterborne transportation, or requiring large volumes of cooling or process water which cannot reasonably be located in an inland site and uses which provide general public access to marine or tidal waters.

Water Surface Elevations – 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. (effective: July 18, 2011)

Yard, Front – An open, unoccupied space on the same lot with a principal building or buildings extending across the full width of the lot between the street wall of the principal building or buildings and the street line of the lot. The depth of the required front yard shall be measured horizontally from and perpendicular to the nearest point of the street line toward the nearest part of the respective principal building or buildings.

Yard, Rear – An open, unoccupied space on the same lot with a principal building or buildings extending across the full width of the lot between the rear wall of the most rear principal building and the rear line of the lot. The depth of the required rear yard shall be

measured horizontally from the perpendicular to the nearest part of the rear lot line toward the nearest part of the principal building on the lot.

Yard, Side – An open, unoccupied space on the same lot with a principal building or buildings situated between the side line of the lot and the nearest principal building or buildings on said lot and extending from the front yard to the rear yard, or where no rear yard is required, to the rear line of the lot. The depth of the required side yard for each respective principal building on the lot shall be measured horizontally from and perpendicular to the nearest point of the side lot line toward the nearest part of said principal building.

#### Other Terms

Vocational Training Facility - A facility established to provide instruction and training for school to work transition to physically and developmentally disabled persons (14 years or older) providing school to work transition programs and instruction and guidance in one or more of the following areas: daily living, personal and social adjustment, self-care, work habits and skills, speech and language development. Such a facility shall not provide any residential or overnight care or accommodations or medical treatment facility providing inpatient or outpatient services of any kind. Such a facility may offer a recreational program involving activities that are social, athletic or purely diversionary in nature. (New Effective: 12/20/2007)

8.0 **ARTICLE 8 – VALIDITY, REPEALER, AND EFFECTIVE DATE**

8.1 **Validity**

If any section, paragraph, subdivision, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

8.2 **Repealer**

All ordinances and parts of ordinances previously adopted for the City of Groton and in conflict herewith are hereby repealed.

8.3 **Effective Date**

This ordinance shall become effective, as provided by law, upon enactment by the Planning and Zoning Commission of the City of Groton, Connecticut.

**Effective Date of Ordinance:** May 15, 1975

Change #1 March 1, 1976

Change #2 July 8, 1977

Change #3 December 1, 1978

Change #4 March 25, 1980

Change #5 May 6, 1980

Change #6 September 23, 1980

Change #7 October 28, 1980

Change #8 November 22, 1983

Change #9 August 31, 1985

Change #10 December 2, 1985

Change #11 June 30, 1989

Change #12 June 8, 1990

Change #13 March 16, 1992

Change #14	April 15, 1994	
Change #15	October 18, 1994	
Change #16	June 3, 1996	Section 4.8, 4.81, 4.82 Moratorium on Halfway Houses and Group Homes
Change #17	October 17, 1996	WBR – Special Permit Uses Section 3.14
Change #18	March 3, 1997	Halfway House and Community Residential Counseling Facility (CRSF)
Change #19	April 8, 1997	
Change #20	January 28, 1998	Parking Lot and Driveway Surface Treatment, Section 4.38f
Change #21	June 1, 1998	Bed and Breakfast
Change #22	September 1, 1998	Child Day Care and Collective Shared Parking
Change # 23	August 1, 2000	Frontage and Access
Change # 24	April 16, 2001	Antenna, Telecommunication Facility and Telecommunication Power
Change #25	May 1, 2002	RI zone 35% to 40%
Change #26	September 1, 2003	FEMA Update
Change #27	February 18, 2005	Substantial Damage Sections 4.76, 7.2
Change #28	February 18, 2005	Pertaining to Rear Lots Sections 4.26, 7.2, & New Section 4.83
Change #29	July 20, 2005	Non-conforming Lots Section 5.8
Change #30	October 9, 2006	Non-Conforming Lots Section 5.6 and 5.7
Change #31	October 9, 2006	Supplementary Regulations Section 4.11 a(6)

Change #32	December 20, 2007	Vocational Training Facility Section 4.191 Size and Number of Spaces Section 4.35 Other Terms, Section 7.2 Special Use Permit Uses Section 2.32, 2.42, 2.52 Section 3.22, 3.32
Change #33	December 15, 2008	Quantity of Fill Section 4.11 a (5)
Change #34	July 18, 2011	Section: 4.71 General
Change # 35	July 18, 2011	Section: 4.75 General Requirements; b, c, e, l, n
Change #36	July 18, 2011	Section: 4.76 Special Requirements for Flood Hazard Reduction: b, c, 1, 2, 3, 4, 5, 6, 7, (strike) e
Change #37	July 18, 2011	Section: 4.77 Requirements for Coastal High Hazard Areas (Zone VE); Title Section
Change #38	July 18, 2011	Section: 4.78 Requirements for Floodways
Change #39	July 18, 2011	Section: 4.79 Variances (add) Compensatory Storage & Equal Conveyance Language (add) new Sections
Change #40	July 18, 2011	Article: 7 Definitions related to FEMA related Flood Plain Management requirements
Change #41	July 23, 2013	4.7 Flood Protection; Section: 4.71 General
Change #42	July 23, 2013	4.7 Flood Protection; Section: 4.77 (b)
Change #43	July 23, 2013	4.7 Flood Protection; Article 7 Definitions;

Change #44	July 23, 2013	Section: 7.1: Other Terms 7.0 Article 7 Definitions; Section 7.1 Other Terms: Banners
Change #45	July 23, 2013	4.4 Sign Regulations; 4.41 General Requirements
Change #46	July 23, 2013	4.4 Sign Regulations; Section: 4.47 Exempt Signs
Change #47	December 9, 2013	Section: 4.192 Specialized Classrooms
Change #48	December 9, 2013	Section: 7.1 Definitions; Specialized Classrooms
Change #49	December 9, 2013	Section: 4.35; Parking
Change #50	September 30, 2015	Section: 7.0
Change #51	September 30, 2015	Section: 3.22; add (t)
Change #52	September 30, 2015	Section: 4.35; add (z)